

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
FIRST EXTRAORDINARY
SESSION OF 1993

HELD IN THE CITY OF MONTGOMERY, ALABAMA
COMMENCING THURSDAY, AUGUST 12, 1993



Vol. 1

WITH AN INDEX PREPARED BY THE
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**JOURNAL
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HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
FIRST EXTRAORDINARY SESSION
OF 1993**

FIRST DAY

**House of Representatives
Montgomery, Alabama
Thursday, August 12, 1993**

Be it remembered that on the twelfth day of August, 1993, His Excellency, Jim Folsom, Governor of the State of Alabama, issued his proclamation convening the Legislature in extra session in words and figures as follows, to-wit:

**STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR**

WHEREAS, there exists an extraordinary occasion in the State of Alabama, which demands the convening of the Legislature of Alabama, in extraordinary session, as prescribed by Article V, Section 122 of the Constitution of Alabama of 1901.

NOW, THEREFORE, I, Jim Folsom, Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama shall convene in extraordinary session at the seat of government, Alabama State House, in Montgomery, Alabama at 6:30 p.m. on August 12, 1993, and do hereby designate the following subjects and matters, which I, as Governor, deem necessary to be considered and acted upon by said Legislature, in extraordinary session assembled:

1. Legislation to revise the laws relating to the Code of Ethics for Public Officials, Employees, Etc. as set forth under §36-25-1 through §36-25-30, inclusive of the Code of Alabama (1975) and any other legislation and laws relating to ethics.

2. Legislation to revise the laws relating to Fair Campaign Practices Act as set forth under §17-22A-1 through §17-22A-23, inclusive of the Code of Alabama (1975) and any other legislation and laws relating to fair campaign practices.

3. Legislation authorizing the State Industrial Development Authority to finance industrial projects and to grant economic incentives to new industries, including necessary amendments to Title 40 of the Code of Alabama (1975).

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this Proclamation to be attested by the Secretary of State at the State Capitol, in the City of Montgomery, on this the 3rd day of August, 1993.

JIM FOLSOM
Governor

ATTEST:

JIM BENNETT
Secretary of State

PRAYER

The session was opened with prayer by Reverend Travis Coleman, First Baptist Church, Prattville, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Benjamin Bolling, 8th Grade, Brewbaker School, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C),

Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

LEAVES OF ABSENCE

At the request of Representative Bryant, leave of absence was granted for Representative Cosby.

Also:

At the request of Representative Rockhold, leave of absence was granted for Representative Kvalheim.

RESOLUTIONS

The following resolutions were introduced:

By Representative Campbell:

H.R. 1. NOTIFY SENATE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House of Representatives notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 1, was adopted.

Also:

By Representative Campbell:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be appointed to notify the Governor of Alabama that the Legislature is now in session and is ready for the transaction of business.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 2, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Anderson, Knight (J) and Zoghby.

Also:

By Representative Campbell:

H.J.R. 3. INVITATION FOR JOINT ADDRESS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held at 6:45 P.M. on August 12, 1993, for the purpose of hearing the message of the Honorable James E. Folsom, Jr., Governor of Alabama.

BE IT FURTHER RESOLVED, That a committee of three from the House to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 3, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Anderson, Knight (J) and Zoghby.

Also:

By Representative Campbell:

H.R. 4. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, August 12, 1993, we adjourn to meet again on Tuesday, August 17, 1993, at 5:00 p.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 4, was adopted.

RECESS

On motion of Representative Hammett, the House recessed for the purpose of hearing an address by the Honorable Jim Folsom, Governor of the State of Alabama.

JOINT SESSION

The hour of 6:45 p.m. having arrived and pursuant to the resolution, H.J.R. 3, the Senate and the House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives to hear an address by the Honorable Jim Folsom, Governor of the State of Alabama.

The Joint Session was called to order by the Honorable Ryan deGraffenried, Presiding Officer of the Senate.

His Excellency, Jim Folsom, Governor of the State of Alabama, appeared before the joint session and delivered the following message:

Good Evening. Thank you for the opportunity to come before you. Tonight, I would like to address you, the members of the Alabama House and Senate and members of my Cabinet. But I am also here to speak to the people of Alabama. The people you and I are sworn to represent.

We will face no more important evening than tonight because right now all of us, assembled here, have an opportunity to return our people's faith in their government. We have the opportunity to show our state that their leaders are men and women of character and accomplishment. We have the opportunity to put aside the politics of division and self interest that are the trademarks of business as usual. We have our best opportunity, right here and now, to move Alabama in the right direction.

We must move Alabama forward, out of the mire of mistrust and suspicion, out of backbiting and accusations, and into a new era of renewed trust in government..., in our elected leaders, and in each other. This forward direction begins tonight in this special session with the passage of tough and effective ethics reform for public servants and lobbyists and with passage of a campaign finance law which would make elected officials accountable to the people and not to the special interests.

But first, tonight, I want to talk about bringing jobs to Alabama.

I began in public service in the Alabama Department of Industrial Relations, interviewing men and women who were faced with losing their jobs. They were not looking for handouts. They were kind, strong, hard working Alabamians, but too many of them had no way out.

When you look into the face of someone about to loose their job, you can't help but be touched. I know I was.

I decided then, that as long as I was a public servant, I would work to help these people.

So I began with a sense of optimism that things could change for the better if we all worked hard enough.

But the people of Alabama have waited too long. The people of Alabama have watched for signs of change and they've not seen it. For too long we've put our attentions on the politics of self-interest instead of focusing on bringing new jobs to Alabama. We have been held back in this state by people who have said that it can't be done, who have said that there is no reason in even trying.

It is time to look forward toward prosperity instead of backward toward blame; forward to a thriving economy instead of backward to people crying for jobs; forward toward aggressive selling of our state's attributes instead of backward toward an outdated, tarnished image.

Alabama must attract new industries that will grow and expand.

We must find innovative ways to bring new jobs to Alabama so families can live and work here, then retire and enjoy their children and grandchildren.

We must work to build a strong and competitive economy in Alabama, competitive with other states in the region, and capable of attracting businesses from anywhere on the globe.

So tonight, I am also asking you to pass a package of innovative business incentives. This economic package will mean jobs for Alabama;...jobs for the men and women of Alabama and jobs for their children in years to come.

No one plant or company will solve all our problems. These business incentives will attract industries for us to build our future on.

We are also here tonight to discuss a problem that has dragged our state into an unfortunate spotlight.

But if we are going to make our great state even greater, we must first end some old habits that have held us back.

I have called you here tonight to deal with ethics and campaign reform. This also has much to do with our image as a state and a people. We have been through a rough period in Alabama and it has taken it's toll on everyone. The worst toll, however, is what it has taken away from the faith of the people who put us here...the people of Alabama. We must show ourselves and everyone else

that there is a new Alabama, a state made up of lawmakers who saw a chance to paint their state in the best possible light. They saw this chance and they grabbed it, and by so doing, they showed the people of Alabama a legislative body who would say, "this is the right thing to do, and we did it."

So I urge you not to delay the passage of my ethics reform and campaign finance laws.

I can be flexible. I will accept any amendment that will make these bills tougher.

I will not accept any changes that will make them weaker. Make no mistake about that. They're tough, but they need to be.

Therefore, I am asking you to take a step in the right direction, the direction of progress.

The changes we need are based on common sense. First, gifts should also be fully disclosed and any business association that may cause a conflict of interest needs to be reported to the public.

Second, lobbyists must comply with tough new reporting standards. Public officials and employees would be barred from lobbying for two years after they leave office.

Finally, the ethics commission is given broad new power to investigate complaints, including anonymous complaints and including "whistleblower" protection for employees who file complaints but fear for their jobs.

These changes are tough, but they are needed to bring us into a time of healing. We also need to make changes in the way we run our campaigns.

We must take this opportunity to strengthen campaign finance laws. We must limit the amounts that corporations, individuals and political action committees can contribute to candidates. It is time to end million-dollar contributions from special interests in Alabama.

We also need tighter reporting and disclosure of political action committee activities, and we must end the laundering of campaign contributions through political action committees...PAC to PAC transfers must end.

Along with these and other reforms come clearly defined penalties for the failure to meet the new standards we will set together.

The people of Alabama, ladies and gentlemen, have heard enough promises. It's time to pass ethics and campaign finance reform.

There is a sense of optimism out there. I've heard it, I know you've heard it too. There is a feeling growing in this state. Young people want to believe in government once again.

There is a hope that we can bring about meaningful change in this state. That we can do something substantial and good for our children. And for their children.

We do it by finding the good in ourselves and appealing to the goodness in others. And that, ladies and gentlemen, is where we are tonight, brought here together to bring a greater sense of goodness to our government, to seek out the best in ourselves and others, and quite simply, to give the people what we have long promised them, and that is simply, honest, effective government.

The people of Alabama want answers and they want leadership, men and women willing to make tough decisions over tough issues. If you don't provide leadership, the people of Alabama will find someone who will.

Therefore tonight I ask you to stand by your convictions. Listen to that voice of optimism out there that says things can be better. Make a commitment to make them better, for all of us, for everyone. You can show your leadership with the passage of tough ethics and campaign finance reform.

The people of Alabama want to believe in good government. You can give them that. You owe them nothing less.

Thank you and God bless you.

The Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE
Secretary

RESOLUTIONS

The following resolutions were introduced:

By Representatives White, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, Williams, Willis and Zogby:

H.J.R. 5. COMMENDING FRANK ROGERS OF JEFFERSON COUNTY, ALABAMA, ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

WHEREAS, it is with highest commendation and esteem that the Alabama Legislature notes the distinguished and outstanding career of Frank Rogers over 43 years in law enforcement; and

WHEREAS, Frank Rogers began police work at the early age of 21 years with the Birmingham Police Department and, four months later, joined the Jefferson County Sheriff's Department as a radio dispatcher; and

WHEREAS, working his way through the ranks, he was named commander of the Internal Affairs Division in 1973, a department he helped to establish, and, in 1983, was appointed chief deputy, the second highest ranking office in the Jefferson County Sheriff's Department, and the position he held at the time of his retirement in January 1993; and

WHEREAS, in addition to his law enforcement career, Mr. Rogers also served, and continues to serve, as a member of the Alabama Legislature and, prior to his first term beginning in 1990, served as legislative liaison for the sheriff's department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition and gratitude for his many outstanding contributions and service to the cause of law enforcement in Jefferson County and in our state over the past four decades, we hereby most highly commend Mr. Frank Rogers for whom a copy of this resolution shall be provided with our sincere regard and warm best wishes for every future happiness and success.

On motion of Representative White, the rules were suspended and the resolution, H.J.R. 5, was adopted.

Also:

By Representative Parker (P):

H.J.R. 6. COMMENDING JANE ORR AND JULIE REYNOLDS OF HARTSELLE, ALABAMA.

WHEREAS, deserving of highest commendation are Jane Orr and Julie Reynolds of Hartselle, Alabama, whose quick and decisive actions are credited with saving the life of a 17- month old child at the You and Me Kids Day Care and Learning Center in Hartselle; and

WHEREAS, Ms. Reynolds, nursery director, was the first to notice that little Katie Salverson was in distress, whereupon she picked her up from the crib to check for any foreign object that might have obstructed the child's breathing; and

WHEREAS, having ascertained that this was not the case, Ms. Reynolds used the intercom to report the medical emergency, and Ms. Orr, the center's assistant director, raced to the nursery and proceeded immediately to apply CPR; and

WHEREAS, in less than a minute, and shortly before the 911 response crew of Hartselle Ambulance Service arrived, Katie was taking small breaths on her own, and was then transported by ambulance to the Hartselle Medical Center emergency room; and

WHEREAS, at the hospital, it was determined that the child had suffered a seizure, triggered by a dangerously high fever, and it is widely accepted that her life was most probably saved due to Ms. Reynolds' quick assessment of the situation, and Ms. Orr's timely application of CPR; and

WHEREAS, the actions taken by Ms. Orr and Ms. Reynolds truly exemplify the highest degree of concern of one human being for another, and they are to be most sincerely praised for their successful efforts in this life-threatening situation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of their praiseworthy deed in saving the life of a young child, we hereby commend Ms. Jane Orr and Ms. Julie Reynolds of the You and Me Kids Day Care and Learning Center, Hartselle, Alabama, and direct that they each receive a copy of this resolution of highest regard.

On motion of Representative Parker (P), the rules were suspended and the resolution, H.J.R. 6, was adopted.

Also:

By Representative Butler:

H.J.R. 7. COMMENDING DYSHAUN GABRON MUHAMMAD OF MADISON COUNTY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama most highly commends and congratulates DyShaun Gabron Muhammad, a recent graduate of Sparkman High School in Madison County, Alabama, who received over \$200,000 in scholarship offers; and

WHEREAS, a fine young man of exceptional ability, DyShaun Muhammad was the recipient of such eminent awards as the Robert W. Woodruff Scholarship from Emory University, the John F. Kennedy Memorial Scholarship, the National Achievement Scholarship for Outstanding Negro Students, the Vulcan Scholarship from the University of Alabama, and the William Randolph Hearst Foundation Scholarship, to name but a few; and

WHEREAS, DyShaun Muhammad, who ranked first among 165 graduates, and maintained a 4.0 grade point average during his four years at Sparkman, was a national merit commended student, a University of Alabama presidential scholar, and was president of both the Student Government Association and the senior class; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend DyShaun Gabron Muhammad of Madison County, Alabama, for whom a copy of this resolution of sincere esteem shall be provided, with warm best wishes for continued success in all future endeavors.

On motion of Representative Butler, the rules were suspended and the resolution, H.J.R. 7, was adopted.

Also:

By Representatives Butler and Freeman:

H.J.R. 8. COMMENDING THE UNIVERSITY OF ALABAMA-HUNTSVILLE ON THE CONCRETE CANOE NATIONAL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends the University of Alabama-Huntsville (UAH) student engineers who earned the maximum 40 points in five races to outscore their opponents--Michigan State, California-Berkeley, New Orleans and Colorado State--and capture the 1993 National Concrete Canoe Championship, sponsored by the American Society of Civil Engineers (ASCE); and

WHEREAS, members of the UAH Chapter of ASCE, who most appropriately named their canoe "Rock-it," constructed a scientifically designed vessel of uni-body composite framework, which was reinforced with carbon filaments developed for use in the NASA space shuttle; the resulting 15-pound carbon framework enabled the UAH engineers to hold the canoe's weight to only 78 pounds, giving them the necessary advantage over their four rival teams; and

WHEREAS, the competition also included technical judging, which comprised 60 percent of the overall score and consisted of a design paper, overall product and esthetics, a technical display and oral presentation, with UAH taking top honors for overall product and oral presentation; and

WHEREAS, the National Championship Team of engineers included paddlers, Christelle Lindner, president of the UAH Chapter of ASCE, Jeff Lindner, John Murphy, and Nora Sassenfeld, and other team members, Charles McDowell, Raquel Brown, Kirk Biszick, Susan Ghaneei, Mike Tocci, Christy Laue, Belinda Wallingsford, Chris Bording, Jonathan Crosby, Wei Su, Clint Howard, Sharon Strickland, Ed Palmer, Karl Laue, and Cheryl Bankston, accompanied by coaches, Dr. John Gilbert and Dr. Michelle Crull; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate the UAH ASCE Chapter on the 1993 National Concrete Canoe Championship, and do further direct that a copy of this resolution be provided for appropriate presentation and display at the University of Alabama-Huntsville.

On motion of Representative Butler, the rules were suspended and the resolution, H.J.R. 8, was adopted.

Also:

By Representative Carter:

H.J.R. 9. EXPRESSING DISAPPROVAL OF THE ATTEMPTED PLACEMENT OF ENROLLMENT LIMITS ON INSTITUTIONS OF HIGHER LEARNING BY THE ALABAMA COMMISSION ON HIGHER EDUCATION.

WHEREAS, the Alabama Commission on Higher Education has attempted to place enrollment limits on certain institutions seeking to expand branch campus locations; and

WHEREAS, the commission has no express authority by law to limit or cap student enrollment at institutions of higher education due to relocation or creation of new branch campuses or otherwise; and

WHEREAS, the Legislature feels strongly that the commission has exceeded its authority regarding attempts to limit student enrollment, particularly regarding certain institutions involved in litigation over branch campuses; and

WHEREAS, the Legislature finds no legal, practical, or economic basis for the imposition of student enrollment limits by the commission; and

WHEREAS, the Legislature feels that the commission should limit its role in higher education to those activities authorized by Sections 16-5-1 to 16-5-14, inclusive, Code of Alabama 1975; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our disapproval and objection to the attempted placement of student enrollment limits on any institution of higher education, for whatever reason, by the Alabama Commission on Higher Education.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the commission and to the Honorable Harold Murphy, Judge of the United States District Court, Northern District of Georgia, Rome, Georgia.

On motion of Representative Carter, the rules were suspended and the resolution, H.J.R. 9, was adopted.

Also:

By Representative Gaston:

H.J.R. 10. COMMENDING JULIE MICHELLE JOHNSON OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama, with highest commendation, recognizes the many outstanding accomplishments of Miss Julie Michelle Johnson of Mobile, Alabama; and

WHEREAS, Miss Johnson is indeed an extraordinary young lady; a graduate of the 1993 Class of Murphy High School, she ranked twelfth in a class of 448, with a grade point average of 4.35, and received awards for excellence in Algebra I, French I, and Honor Physics; and

WHEREAS, in addition to her academic accomplishments, Miss Johnson was a member of the Four Arts Club and Key Club; was a Junior and Senior Class Representative, vice president of the National Audubon Society, co-chairman of the Domestic Exchange Program Committee, and served as a member of the Alabama Youth and Government Youth Legislature; and

WHEREAS, Miss Johnson also served, in 1992-93, as Queen of the Azalea Trail Maids -- a group of 50 senior girls who are chosen from the schools in Mobile County, based on academic achievement and interview, and serve as official hostesses for the City of Mobile; and

WHEREAS, an active member of Spring Hill Baptist Church, Miss Johnson is a member of the youth choir, the Reflections, a special auditioned ensemble, and has participated in summer choir and mission programs over the last four summers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Miss Julie Michelle Johnson of Mobile, of whom we are justly proud, and for whom a copy of this resolution shall be provided.

On motion of Representative Gaston, the rules were suspended and the resolution, H.J.R. 10, was adopted.

Also:

By Representative Gaston:

H.J.R. 11. COMMENDING STUART LEE SHAW OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, It is with great pride and pleasure that the Alabama Legislature recognizes the many outstanding accomplishments of Stuart Lee Shaw of Mobile, Alabama; and

WHEREAS, Stuart Shaw, the son of Kirk and Linda Shaw, and a 1993 graduate of Mobile's Davidson High School, was ranked 8th in a class of 223, received academic letters throughout his high school career, was nominated for the Sertoma Scholar-Athlete Award, and was named to Who's Who Among American High School Students; and

WHEREAS, also an outstanding young athlete, Stuart was a member of the varsity tennis team and played #1 varsity singles and doubles all four of his high school years; he was ranked 7th in the state in tournament competition, achieved the highest winning percentage his first three years on the varsity, was a district finalist in singles as a junior and senior, and captured the district championship in doubles as a senior; and

WHEREAS, he further served as Alabama Junior Davis Cup assistant coach, and was first alternate for the Boys 180 team which is comprised of the top two players from each age group in the state; and

WHEREAS, Stuart's extracurricular activities and leadership involvement included president of the Student Council and the Junior Class; three-year member and vice president of the National Honor Society; four-year member, sophomore representative, treasurer and vice president of the Key Club; science club secretary and PTSA student representative; and

WHEREAS, he is an active member of Springhill Baptist Church, has been a member of the youth choir for four years, and played on the church basketball team during his freshman and senior high school years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Stuart Lee Shaw of Mobile, Alabama, an extraordinary young man in whom we are justly proud, and for whom a copy of this resolution shall be provided.

On motion of Representative Gaston, the rules were suspended and the resolution, H.J.R. 11, was adopted.

Also:

By Representative Gaston:

H.J.R. 12. COMMENDING WILTON SANDERS WRIGHT OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Wilton Sanders Wright exhibited exceptional talent and abilities throughout his high school career; and

WHEREAS, a graduate of the Class of 1993 at St. Paul's Episcopal School in Mobile, he was a member of the National Honor Society, the Sierra Club, and served successively as representative, sergeant at arms, and president of the Student Government Association; and

WHEREAS, among other distinctions, he was a National Merit Finalist, an Advanced Placement Scholar, named to Who's Who in American High School Students, and Co-Salutatorian of his class; and

WHEREAS, in recognition of his notable accomplishments, Wilton Sanders was the recipient of such eminent awards as the National Merit Scholarship, the Francis Gaines Scholarship from Washington and Lee University, the Echois Scholarship from the University of Virginia, and the Robert C. Byrd Honor Scholarship from the State of Alabama, among a number of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Wilton Sanders Wright of Mobile, Alabama, a young man in whom we are justly proud, and for whom a copy of this resolution shall be provided that he may know of our sincere admiration and warm best wishes for every future success in life.

On motion of Representative Gaston, the rules were suspended and the resolution, H.J.R. 12, was adopted.

Also:

By Representative Gaston:

H.J.R. 13. COMMENDING HAYLEY ANN HAMMOCK OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in a desire to recognize young Alabamians of outstanding achievement, the Legislature of Alabama notes the many accomplishments of Hayley Ann Hammock, a graduate of the 1993 Class at St. Paul's Episcopal School in Mobile; and

WHEREAS, Miss Hammock, a young lady of exceptional ability, has been the recipient of such awards and credits as the Mayor's Community Service Award, the William S. Mann Award, as model St. Paul's student, 2nd place in Original Oratory in State forensics, and 3A Volleyball Champion and All-State Player; and

WHEREAS, she also has served in such leadership positions as vice president of the Student Government Association, secretary of the National Honor Society, and Azalea Trail Maid, and is an active member of Spring Hill Baptist Church and youth choir, the Interact Club, Fellowship of Christian Athletes, Students Against Drunk Driving, and the St. Paul's Players, performing in such productions as "Grease," "Oklahoma," and "Trial of the Big Bad Wolf"; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary achievement, we hereby most highly commend Hayley Ann Hammock of Mobile, Alabama, in whom we are justly proud, and for whom a copy of this resolution shall be provided that she may know of our sincere admiration and warm best wishes for every future success and happiness in life.

On motion of Representative Gaston, the rules were suspended and the resolution, H.J.R. 13, was adopted.

Also:

By Representatives Starkey, Goodwin and Hamilton:

H.J.R. 14. HONORING MYRA WALLACE FOR OUTSTANDING SERVICE TO THE RETIRED SENIOR VOLUNTEER PROGRAM IN LAUDERDALE COUNTY.

WHEREAS, Myra Wallace who worked with Dr. W. C. Hannah of the Lauderdale County Board of Education to develop criteria for the Retired Senior Volunteer Program (RSVP) in Lauderdale County, the first to be established in Alabama, was named director of the program in September 1974; and

WHEREAS, for the next 19 years, Myra Wallace, ably assisted by a dedicated staff, worked diligently and tirelessly, devoting untold hours in selfless service to others and toward the development of goals set for the program; and

WHEREAS, over the course of Mrs. Wallace's long and distinguished tenure with RSVP, a number of community centers have been established, including 10 in Lauderdale County, and after the first year, the program grew from 113 volunteers at 10 stations to a current 660 volunteers at 35 stations, with many of the program's successful concepts and activities, such as the annual RSVP Volunteer Recognition Banquet, becoming a model for other units throughout the Southern Region; and

WHEREAS, Mrs. Wallace also has been an active member of numerous RSVP related organizations, on the local, state, regional, and national levels, and a member and/or supporter of her church, the local schools, the American Legion Auxiliary, and the Cerebral Palsy Telethon; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon the occasion of her retirement and in recognition of her many outstanding contributions as Director of the Retired Senior Volunteer Program in Lauderdale County, we hereby commend Mrs. Myra Wallace, whom we hold in highest personal regard and to whom a copy of this resolution shall be presented.

On motion of Representative Starkey, the rules were suspended and the resolution, H.J.R. 14, was adopted.

Also:

By Representative Holladay:

H.J.R. 15. CREATING THE CONTINUING STATE CONSTITUTION REVISION STUDY COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Continuing State Constitution Revision Study Committee is created. The committee shall be a continuing committee composed of the members of the Judiciary Committee of the House of Representatives and the members of the Judiciary/Criminal Justice and Public Safety Committee of the Senate and the Judiciary/Civil Committee of the Senate, or the successor committee of these committees. The committee shall elect a chair and vice-chair at the first meeting.

The committee shall direct the Alabama Law Institute to submit to the committee proposed revisions to specific articles or portions of the Constitution of Alabama of 1901. The committee shall study the proposed changes submitted and may request the Alabama Law Institute to revise the proposals.

The committee may submit to the Legislature reports, conclusions, and recommendations, including legislation proposing changes to specific articles or portions of the Constitution of Alabama of 1901, during any session of the Legislature. All proposals of the committee shall be submitted to the Legislature by the year 2000.

On motion of Representative Holladay, the rules were suspended and the resolution, H.J.R. 15, was adopted.

Also:

By Representative Smith (C):

H.J.R. 16. HONORING TOMMIE AGEE FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pride that the Legislature of Alabama joins with his hometown of Maplesville in honoring Tommie Agee, a running back with the world champion Dallas Cowboys of the National Football League (NFL); and

WHEREAS, "Tommie Agee Day" was indeed a special day in June, not only for Tommie, but for the entire community who greeted the former Maplesville High School football star with rousing enthusiasm; and

WHEREAS, Tommie Agee, who went on to become a standout with the Auburn Tigers under Coach Pat Dye, and as a teammate of Bo Jackson, is now in his sixth year with the NFL; currently with the champion Cowboys, he continues to be ranked among the top pros in the country; and

WHEREAS, on "Tommie Agee Day," Maplesville's pride and joy was presented with a key to the city, among other honors and awards; was the subject of high praise by many visiting dignitaries who were guest speakers for the occasion; and was praised, as well, in letters received from several former and present coaches; and

WHEREAS, Tommie Agee, throughout his football career --in high school, college and the pros--has had numerous accomplishments to his credit, all of which reflect highly on his hometown and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby commend Tommie Agee, in whom we are justly proud, and for whom a copy of this resolution of highest tribute shall be provided.

On motion of Representative Smith (C), the rules were suspended and the resolution, H.J.R. 16, was adopted.

Also:

By Representatives Rogers (F), Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 17. MOURNING THE DEATH OF DAVEY ALLISON OF HUEYTOWN, ALABAMA.

WHEREAS, it is with profound sorrow and regret that the Legislature of Alabama records the tragic and untimely death of Davey Allison of Hueytown, Alabama, on July 13, 1993, at the age of just 32 years; and

WHEREAS, Davey Allison, as the son of the legendary Bobby Allison, was born with racing in his blood, so it was no surprise that from early childhood, racing held a special fascination and intrigue for the young lad from Hueytown; however, it was only through years of determined hard work, sacrifice, and commitment that he achieved the racing success he came to know; and

WHEREAS, from his first race in Birmingham four months after high school graduation, and through the ensuing years of his early career, the road to success was not an easy one for Davey, and he experienced not only the ups and downs of racing--the joys of victory and the disillusionment of defeat--but also endured pain from critical injuries such as those received at Pocono, Bristol, and Martinsville; and

WHEREAS, yet, there were many accomplishments along the way when he was selected ARCA's Rookie of the Year (1985), ARCA's all-time leader on super speedways (1986), and Rookie of the Year with record-setting earnings in 1988, the same year he became the first rookie to start on the front row at the Daytona 500; and

WHEREAS, Davey Allison, over his much too brief but illustrious career, was Talladega's All-Time Winner, won 19 Winston Cup races, posted 66 top-five finishes, 93 top-10 finishes, and won \$6.7 million in his Winston Cup career; and

WHEREAS, the shocking death of Davey Allison, resulting from injuries received in an ill-fated helicopter crash, has indeed dealt a severe blow to the racing community, and has left an unfathomable void in the lives and hearts of his beloved family, friends, associates, and countless fans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life of Davey Allison of Hueytown, Alabama, one of our state's most well known and well loved personalities, and extend our deepest and most heart felt sympathy to his wife, Elizabeth Allison; daughter, Krista; son, Robert; to his father and mother, Bobby and Judy Allison; sisters, Bonnie Farr and Carrie Smith; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Rogers (F), the rules were suspended and the resolution, H.J.R. 17, was adopted.

Also:

By Representative Morrow:

H.J.R. 18. COMMENDING INSTRUCTOR REX MAYFIELD AND HIS AGRIBUSINESS CLASS AT RUSSELLVILLE HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, as a result of dedicated hard work and an exceptional program, Rex Mayfield's agribusiness class at Russellville has been selected as the top agribusiness class in the state by the Alabama Vocational Agriculture Teachers Association; and

WHEREAS, the award is based on such criteria as the instructor's years of experience, support of the local administration and board of education and, most especially, on variety of activities offered in the program; and

WHEREAS, in Mr. Mayfield's program at Russellville, students learn not only about livestock, crops, and poultry, but many other useful things for everyday living such as construction, engine repair, woodworking, and even how to record a deed, prepare a resume, or prepare for a job interview; and

WHEREAS, Mr. Mayfield, who is a 12-year veteran at Russellville, and who was selected the state's top agribusiness teacher in 1992, leads his students not only through personal example and work ethics, but by generating excitement within the classroom, whereby students become motivated, involved, and eager to learn; and

WHEREAS, the Russellville class will now enter regional competition and, should they be successful, will compete later for national honors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment, and on their selection as the best in the state, we hereby most highly commend and congratulate Rex Mayfield and his agribusiness class at Russellville High School, and do further direct that a copy of this resolution be provided for Mr. Mayfield for appropriate presentation and school display.

On motion of Representative Morrow, the rules were suspended and the resolution, H.J.R. 18, was adopted.

Also:

By Representatives Higginbotham and Turnham:

H.J.R. 19. COMMENDING FORMER FIRE CHIEF G. A. MITCHELL OF OPELIKA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

WHEREAS, in tribute to an Alabamian of outstanding achievement and service, the Alabama Legislature recognizes former Fire Chief G. A. Mitchell of Opelika, Alabama, whose proposal to the International Association of Fire Chiefs in 1967 resulted in the modern 911 emergency system that has saved countless lives since its inception in 1968; and

WHEREAS, Chief Mitchell also recommended to the association board that his proposal, when presented to AT&T, require that the emergency number be limited to just three digits for easy recall by users, that the system be made available nationwide, and that the number could be dialed free from any public pay phone; and

WHEREAS, although never publicly recognized for his proposal of the 911 system, in use now for some 25 years, Chief Mitchell has never sought credit for what he perceives as an effort on his part to enable the public to more conveniently report an emergency situation; and

WHEREAS, Chief Mitchell, who is retired from his longtime career as a firefighter, and from his position as treasurer of the International Association of Fire Chiefs (1956-1977), is a successful realtor who continues to serve the public through contributions to individuals, churches, colleges and universities, among other beneficiaries of his generous and selfless spirit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in great pride of a distinguished Alabamian, and in gratitude for his concept of the nationwide 911 emergency system, we hereby commend G. A. Mitchell of Opelika, Alabama, for whom a copy of this resolution of sincere tribute shall be provided.

On motion of Representative Higginbotham, the rules were suspended and the resolution, H.J.R. 19, was adopted.

Also:

By Representatives Higginbotham and Turnham:

H.J.R. 20. COMMENDING GARY W. FUCHS OF OPELIKA, ALABAMA.

WHEREAS, the Legislature of Alabama, in consensus of commendation, recognizes the exceptional and dedicated service of Gary Fuchs as a member of the faculty of Opelika State Technical College for twenty years; and

WHEREAS, Mr. Fuchs, a twenty-year veteran of the United States Navy whose military tenure included a tour of duty in Vietnam, joined Opelika State Technical College as a welding instructor in 1972; and

WHEREAS, under his capable leadership and direction, the school's welding program has developed into one of the top such programs in the State of Alabama, and it is to Gary Fuchs' credit that Opelika State's welding students have received the superior training necessary for successful careers in this chosen field of endeavor; and

WHEREAS, Mr. Fuchs, who possesses a natural talent for teaching, also has the ability to inspire, encourage and motivate his students to achieve their highest potential, and the experience and skills they gain under his tutelage are of incalculable benefit; and

WHEREAS, Gary W. Fuchs is indeed an invaluable member of the faculty of Opelika State Technical College, and the esteem in which he is held by his many students bespeaks highly of his unswerving dedication and commitment to the education of our youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to Opelika State Technical College and to countless students over the years, we hereby most highly commend Gary W. Fuchs, for whom a copy of this resolution of sincere praise and appreciation shall be provided.

On motion of Representative Higginbotham, the rules were suspended and the resolution, H.J.R. 20, was adopted.

Also:

By Representatives Higginbotham and Turnham:

H.J.R. 21. COMMENDING JACK F. MOORE OF OPELIKA, ALABAMA, FOR DISTINGUISHED COMMUNITY SERVICE.

WHEREAS, Jack F. Moore, whose continuous service to others has been recognized through the bestowal of the "Book of Golden Deeds" award by the Opelika Exchange Club, is an exemplary citizen who has greatly impacted upon the quality of life in his community; and

WHEREAS, working quietly, effectively, and without seeking accolades, Mr. Moore has been the driving force behind the establishment of such programs as scholarships for needy students and athletes, and fund-raising drives for the sick and impoverished; also, as an organizer and charter member of the Opelika Lions Club, he was instrumental in the club's successful endeavors to fund the purchase of the first uniforms for the Opelika High School Band; and

WHEREAS, further, Mr. Moore was involved in the reestablishment of his community's annual Christmas Parade and, along with his wife, Carolyn, organized Opelika's Lights Beautiful festival, and was part of a joint effort to build a cross that now stands in Garden Hills Cemetery; and

WHEREAS, his most significant contribution, however, and the one that has given him the greatest pleasure, was the organization of Little League (now Dixie Youth) Baseball in Opelika, which he initiated with just four teams, and in the years since, has held numerous league offices, served as coach and umpire, and, by arranging "special" charge accounts for the purchase of gloves and other equipment, has enabled numerous young athletes to participate in this outstanding program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus of commendation, we join the Opelika Exchange Club in paying tribute to John F. Moore, whom we greatly admire, and for whom a copy of this resolution shall be provided.

On motion of Representative Higginbotham, the rules were suspended and the resolution, H.J.R. 21, was adopted.

Also:

By Representative Hawkins:

H.J.R. 22. REQUESTING THAT THE FEDERAL INCOME TAX IMPOSED ON SOCIAL SECURITY BENEFITS NOT BE INCREASED.

WHEREAS, over 739,480 social security recipients in Alabama would be adversely affected by President Clinton's current proposal of an increase in the tax on social security benefits; and

WHEREAS, those affected by this tax would pay on average an extra \$483 per year; and

WHEREAS, without an inflation adjustment, the percentage of affected seniors who would in effect be taxed twice on the same income will rise significantly in five years; and

WHEREAS, under the President's current proposals, middle class senior citizens would be expected to pay more taxes not only on social security benefits but also on Medicare premiums and energy costs; and

WHEREAS, the proposed increase in the tax on social security benefits is the only part of the President's plan which is conceded to be a tax increase on a segment of the middle class; and

WHEREAS, many senior citizens on fixed incomes cannot be without these much needed benefits in this current economic climate; and

WHEREAS, senior citizens have historically been the target of numerous measures to place on them heavy burdens, such as proposed freezes in their cost-of-living adjustment and the initial implementation of the tax on social security benefits; and

WHEREAS, such a tax increase would affect not only current middle and upper class senior citizens but also millions of future social security beneficiaries; and

WHEREAS, almost three-quarters of all Americans oppose an increase in taxation on social security benefits; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature requests that the income tax imposed on social security benefits not be increased.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Clinton and each member of the Alabama Congressional Delegation that they may know of our desires concerning this matter.

MOTION TO SUSPEND RULES AND ADOPT OFFERED

Representative Hawkins offered the motion to suspend the rules and adopt the resolution, H.J.R. 22.

DIVISION OF THE QUESTION

Representative Holmes called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Hawkins to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 22, and the motion was lost, lacking a four-fifths vote.

Yeas 29; Nays 23.

Yea:

Mr. Speaker, Biddle, Carns, Collins, Crow, Curry, Dolbare, Gaines, Gaston, Gullatt, Hawkins, Haynes, Holley, Johnson, Knight (A), Laird, Mathis, McMillan, Mikell, Millican, Morton, Payne, Petelos, Rich, Sanderford, Sanderson, Smith (R), Turnham and Willis.

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Nay:

Representatives Barnes, Black (L), Black (M), Box, Bryant, Burke, Buskey, Clark (W), Clay, Harvey, Hilliard, Holmes, Kennedy, Knight (J), Lindsey, McClain, McDowell, Newton (D), Perdue, Rogers (J), Spratt, Starkey and Thomas.

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The resolution, H.J.R. 22, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Rockhold, Harper, Kennedy, Buskey, Cullins, Turner, Zoghby, Penry and Gaston:

H.J.R. 23. MOURNING THE DEATH OF M. G. TANNER OF THEODORE, ALABAMA.

WHEREAS, it is with a deep sense of sorrow and regret that the Alabama Legislature records the death of M. G. Tanner of Theodore, Alabama, on June 6, 1993; and

WHEREAS, M. G. Tanner, born in 1911, and a native of Lucedale, Mississippi, was a much beloved member of the Theodore Community who had spent more than 60 years of his life in the Tillman's Corner and Theodore and Dawes communities, most of it in faithful and dedicated service to his God and in doing the Lord's work; and

WHEREAS, from 1954, when he felt the call to preach the gospel, until his health forced him to retire earlier this year, Mr. Tanner pastored at Cedar Grove Baptist Church in Theodore, and at various Baptist churches in South Alabama, South Mississippi, and Northwest Florida; and

WHEREAS, M. G. Tanner was indeed a man of noble character and indomitable faith whose genial nature and warm and generous spirit endeared him to all who knew and loved him, and whose lives he touched in genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of M. G. Tanner of Theodore, Alabama, and extend our deepest sympathy to his wife, Virginia Busby Tanner; daughters Janice Ann Gollotte and Patricia Ellon Sears; sons, Gary G. Tanner and Norman Tanner; to his eleven grandchildren and three great grandchildren; and to other family members, for whom a copy of this resolution shall be provided.

On motion of Representative Rockhold, the rules were suspended and the resolution, H.J.R. 23, was adopted.

Also:

By Representative Parker (T):

H.J.R. 24. COMMENDING TUSCALOOSA CITY COUNCIL PRESIDENT BILL LANFORD FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

WHEREAS, Bill Lanford, who will retire from office in October, has served two terms as president of the Tuscaloosa City Council since he was elected from District 6 in 1985 and, during his distinguished tenure, has played a vital role in much of the city's success and prosperity; and

WHEREAS, Mr. Lanford, who acquired a reputation as a peacemaker and healer, was praised for his integrity, grace, goodwill and fairness, and for his willingness to listen and to weigh all sides of an issue; and

WHEREAS, when there were tough issues to face, and even tougher choices to be made, he always tried to make those decisions and judgements which would most benefit his community and, even with the problems and disappointments, took great pride in the successes, including the institution of a 20-year plan for water and sewer improvements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his many outstanding contributions and service to the Tuscaloosa community, we hereby most highly commend Bill Lanford of Tuscaloosa, Alabama, for whom a copy of this resolution of sincere tribute and esteem shall be provided.

On motion of Representative Parker (T), the rules were suspended and the resolution, H.J.R. 24, was adopted.

Also:

By Representatives Penry and McMillan:

H.J.R. 25. REQUESTING THE STATE HIGHWAY DEPARTMENT AND THE BUREAU OF TOURISM AND TRAVEL TO RESTRICT SMOKING AT STATE WELCOME CENTERS AND REST AREA BUILDINGS.

WHEREAS, state welcome centers and rest area buildings are well-frequented state facilities; and

WHEREAS, a smoke-free policy in these facilities would provide a more pleasant, healthful, and desirable environment both for the citizens of this state and visitors; and

WHEREAS, these facilities offer comfortable, safe, sheltered outdoor areas for the convenience of smokers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Highway Department and the Bureau of Tourism and Travel are urged to restrict smoking to appropriate areas outside state welcome centers and rest area buildings.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the Director of the State Highway Department and the Director of the Bureau of Tourism and Travel so that they may know of our sentiments regarding this matter.

MOTION TO SUSPEND RULES AND ADOPT OFFERED

Representative Penry offered the motion to suspend the rules and adopt the resolution, H.J.R. 25.

DIVISION OF THE QUESTION

Representative Holmes called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Penry to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 25, and the motion was lost, lacking a four-fifths vote.

Yeas 30; Nays 19.

Yea:

Mr. Speaker, Biddle, Black (L), Carns, Curry, Dolbare, Gaines, Gaston, Hawkins, Haynes, Hogan, Johnson, Knight (A), Knight (J), Laird, McMillan, Mikell, Millican, Morton, Newton (C), Payne, Penry, Petelos, Rich, Sanderford, Sanderson, Smith (C), Starkey, Turnham and Venable.

Nay:

Representatives Barnes, Black (M), Bowling, Bryant, Burke, Buskey, Clark (W), Clay, Freeman, Hall, Harper, Harvey, Kennedy, Morrow, Newton (D), Perdue, Spratt, Thomas and Turner.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H.J.R. 25, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Ford, Smith (R), Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 26. MOURNING THE DEATH OF MRS. JUNE BUGG OF GADSDEN, ALABAMA.

WHEREAS, it is with profound sorrow and a deep sense of personal loss that the Legislature of Alabama records the death of Mrs. June Bugg of Gadsden, Alabama, on May 18, 1993, at the age of 73 years; and

WHEREAS, June Bugg who well served the citizens of House District 29 in the Alabama Legislature until her lamentable death, came to the Alabama House of Representatives at a time when women were just beginning to take a part in the legislative process, and served as one of only six women in the 105-member body; and

WHEREAS, a retired English teacher, she was articulate, polite, plain spoken, and unequivocal in her convictions; she believed strongly in a child's right to a decent education, the value of the arts in society, and in the public's right to attend the meetings held by their public officials; and

WHEREAS, Mrs. Bugg, a faithful member of the First United Methodist Church of Gadsden, received her A.B. degree from the University of Alabama, a M.S. degree from Jacksonville State University, and pursued doctoral studies at the University of Alabama; and

WHEREAS, June Bugg, highly respected and admired by her colleagues and associates, was indeed a warm and caring public servant who greatly influenced and inspired all those whose lives she touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. June Bugg of Gadsden, Alabama, and extend our very deepest sympathy to her daughter, Barbara Bugg; son and daughter-in-law, Bill K. Bugg, Jr., and Lynn Bugg; grandchildren, Josh and Virginia; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Ford, the rules were suspended and the resolution, H.J.R. 26, was adopted.

Also:

By Representatives Ford and Smith (R):

H.J.R. 27. COMMENDING DR. VICTOR B. FICKER FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pleasure and sincere pride that the Legislature of Alabama notes the selection of Dr. Victor B. Ficker, president of Gadsden State Community College, as recipient of the NEA H. Council Trenholm Memorial Award; and

WHEREAS, this prestigious civil rights award, named for one of the country's most outstanding Black educators, recognizes an educator who has "worked beyond the call of duty to free the educational profession from iniquities based on race or ethnicity, helped to improve intergroup relations and understanding among racial and ethnic groups, and secured community recognition for his or her contributions to intergroup relations"; and

WHEREAS, Dr. Ficker, who joined Gadsden State as president in 1988, has indeed exceeded the criteria set for the award and, during the course of his tenure, many programs have been instituted to assist minority students; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and as recipient of the NEA H. Council Trenholm Memorial Award, we hereby most highly commend Dr. Victor B. Ficker of Gadsden State Community College, for whom a copy of this resolution of sincere tribute and esteem shall be provided.

On motion of Representative Ford, the rules were suspended and the resolution, H.J.R. 27, was adopted.

Also:

By Representatives Ford and Smith (R):

H.J.R. 28. NAMING THE "JO ANN ARLEDGE CENTER FOR ADULT LEARNERS" AT GADSDEN STATE COMMUNITY COLLEGE"

WHEREAS, the Legislature of Alabama notes the many and various contributions to Gadsden State Community College made by Mrs. Jo Ann Arledge; and

WHEREAS, Mrs. Arledge sent her five children, four of whom graduated, to Gadsden State and then followed them there; her husband attended the college; and the spouses of three of her children attended with two of the "in-laws" graduating, bringing the total number of family members to graduate to seven; and

WHEREAS, after graduating from Gadsden State, Mrs. Arledge earned a degree in Human Services from the University of Alabama; while attending the University and prior to receiving her degree, she began working in Adult Basic Education; and

WHEREAS, Mrs. Arledge was employed by the Attalla City Board of Education for 13 years, working to help adults obtain their G. E. D. and encouraging many of her students to continue their education by attending Gadsden State Community College; and

WHEREAS, in recognition of the involvement by Mrs. Jo Ann Arledge and in gratitude for her many contributions to Gadsden State Community College it is both fitting and desirable that she be publicly recognized in a lasting and appropriate manner; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we name and designate the Adult Learning Center at Gadsden State Community College the "Jo Ann Arledge Center for Adult Learners."

BE IT FURTHER RESOLVED, That the proper officials are authorized to designate the "Jo Ann Arledge Center for Adult Learners," and that a copy of this resolution be forwarded to the family of Mrs. Jo Ann Arledge so that they may know of this designation by the Legislature.

On motion of Representative Ford, the rules were suspended and the resolution, H.J.R. 28, was adopted.

Also:

By Representative Turner:

H.J.R. 29. EXPRESSING LEGISLATIVE INTENT REGARDING THE HOME BUILDERS LICENSURE BOARD RELATING TO THE SUNSET LAW.

WHEREAS, Section 34-14A-17 of the Code of Alabama 1975, which was enacted by Act No. 92-608, S. 109, 1992 Regular Session, provides that "The Home Builders Licensure Board shall be an enumerated board pursuant to Sections 41-20-1 through 41-20-16, and shall be reviewed at the same time as the State Board of Medical Examiners"; and

WHEREAS, Section 41-20-3(a) of the Code of Alabama 1975, provides that "(5) October 1, 1985 and every fourth year thereafter shall be the termination date for: ... j. State board of medical examiners."; and

WHEREAS, the intent of the Legislature pursuant to the passage of Act No. 92-608, S. 109, 1992 Regular Session (Acts 1992, p. 1282) was that the Home Builders Licensure Board be terminated on October 1, 1993, the termination date prescribed by the Sunset Law for the State Board of Medical Examiners, unless a bill was enacted during the 1993 Regular Session extending the Home Builders Licensure Board's termination date; and

WHEREAS, no bill was passed in the 1993 Regular Session continuing the Home Builders Licensure Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the termination of the Home Builders Licensure Board on October 1, 1993, pursuant to Section 34-14A-17, Code of Alabama 1975, is consistent with legislative intent.

MOTION TO SUSPEND RULES AND ADOPT OFFERED

Representative Turner offered the motion to suspend the rules and adopt the resolution, H.J.R. 29.

DIVISION OF THE QUESTION

Representative Sanderson called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Turner to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 29, and the motion was lost, lacking a four-fifths vote.

Yeas 27; Nays 12.

Yea:

Representatives Biddle, Bowling, Box, Bryant, Cullins, Dolbare, Flowers, Freeman, Hall, Hogan, Holley, Johnson, Laird, Letson, Melton, Mikell, Morrow, Payne, Poole, Rich, Rockhold, Rogers (F), Spratt, Starkey, Turner, Venable and White.

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Nay:

Mr. Speaker, Barnes, Beasley, Gaines, Gaston, Gullatt, Haynes, McMillan, Penry, Sanderson, Smith (C) and Turnham.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H.J.R. 29, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Johnson and Beasley:

H.J.R. 30. CREATING A JOINT INTERIM LEGISLATIVE STUDY COMMITTEE TO EVALUATE UNMET NEEDS OF CAREGIVERS AND VICTIMS OF ALZHEIMER'S DISEASE AND RELATED DISORDERS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to evaluate unmet needs of caregivers and victims of Alzheimer's disease and related disorders. The objectives of the committee shall include, but not be limited to, all of the following:

(1) An examination of the nature and extent of Alzheimer's disease and related disorders in Alabama.

(2) Identifying available resources and gaps in needed services for persons suffering from the disease and for their families.

(3) Development of policy recommendations to address the problem of Alzheimer's disease in Alabama covering all of the following areas:

(a) Financial assistance and social supports to patients and families.

(b) Improved patient care and services.

(c) Increased public awareness.

(d) Research.

(e) Improved coordination of state activities.

(f) Education.

(g) Legislative initiatives.

The committee shall compile a report containing findings, proposals, and recommendations regarding the problems specified herein.

The committee shall be composed of the Commissioner of the Department of Mental Health and Mental Retardation or the designee of the commissioner; the Director of the Bureau of Geriatric Psychiatry, Department of Mental Health; the Commissioner of the Medicaid Agency or the designee of the commissioner; the Commissioner of the Department of Human Resources or the designee of the commissioner; the Commissioner of the Commission on Aging or the designee of the commissioner; the State Health Officer or the designee of the officer; three members of the House of Representatives appointed by the Speaker of the House of Representatives; three members of the Senate appointed by the President Protem and presiding officer of the Senate; and eight family caregivers or community providers, or both, appointed by the chair of the committee.

The chair of the committee shall be the Director of the Bureau of Geriatric Psychiatry, Department of Mental Health. The committee shall provide for its own rules of procedure to conduct its business and shall meet at the call of the chair.

Members of the committee who are not public officials or state employees shall be reimbursed for the costs and expenses related to the task study on Alzheimer's Disease from appropriations made to the Legislature upon approval by the chair on warrants drawn from funds appropriated to the Legislature, but not to exceed ten thousand dollars (\$10,000).

The committee may also secure outside resources, consultants, or council, as needed, to assist in the performance of its duties. Compensation shall be given for costs and expenses as set out in the preceding paragraph.

The state agencies and departments represented on the committee shall provide necessary clerical and technical assistants who shall serve without additional compensation. The committee shall report its findings and recommendations to the Legislature by the tenth legislative day of the 1994 Regular Session, and from time to time in the interim, at which time the committee shall stand discharged of any further duties and responsibilities and shall be dissolved.

On motion of Representative Johnson, the rules were suspended and the resolution, H.J.R. 30, was adopted.

Also:

By Representative Haynes:

H.J.R. 31. MOURNING THE DEATH OF COUNCILWOMAN EDYTHE J. SIMS, OF TALLADEGA, ALABAMA.

WHEREAS, the Alabama Legislature, in a sense of sorrow and regret, notes the death of Councilwoman Edythe J. Sims, a native and lifelong resident of Talladega, Alabama, on July 20, 1993; and

WHEREAS, Mrs. Sims made history when she was elected to the Talladega City Council, the first black female council member, in October 1987, and was reelected in 1991 by her constituents because of her extraordinary sense of duty, high principles, compassion for her community, and tireless efforts on their behalf; and

WHEREAS, this public servant had a long tradition of dedicated excellence in all she undertook, including 34 years of teaching in the Talladega City School System and as a member in numerous professional, civic, and religious organizations, such as the Alabama and National Education Associations, Zeta Phi Beta Sorority, and the Greater Ebenezer Baptist Church, to name only a few; and

WHEREAS, Mrs. Sims is survived by her husband and former Lincoln Police Chief, Alfred Sims; son, Alfred C. Sims of Virginia, and brother, Marshall Jemison of Detroit, Michigan, whose loss we share; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Edythe J. Sims of Talladega, Alabama, and extend heartfelt sympathy to all her family for whom a copy of this resolution shall be provided as a token of our sorrow.

On motion of Representative Haynes, the rules were suspended and the resolution, H.J.R. 31, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Holladay and Hammett:

H. 1. To amend Article 1 of Chapter 1 of Title 8 of the Code of Alabama 1975, to provide for the right of a party paying certain federal manufacturer's taxes under contract to have an option to time payments on the taxes to immediately precede the requirement of the other party to remit the taxes to the Internal Revenue Service; to provide a method for exercising the option; to provide for a right to security under contracts for payment of the taxes; to provide for applicability to certain contracts; and to provide for an effective date.

COMMITTEE ON COMMERCE, TRANSPORTATION AND UTILITIES

By Representatives Campbell, Hall, Freeman, and Higginbotham:

H. 2. To revise the Underground and Aboveground Storage Tank Trust Fund charge for the first withdrawal from bulk of motor fuels in this state, to appropriate a portion of the fund for administrative costs of the Alabama Department of Environmental Management, to provide for retroactive effect, and amending Sections 22-35-3, 22-35-4, 22-35-5, 22-35-6, 22-35-9, and 22-35-13, Code of Alabama 1975, as amended by Act No. 93-628, H. 739, 1993 Regular Session, for those purposes.

COMMITTEE ON WAYS AND MEANS

By Representative Drake:

H. 3. To create a new district judgeship for Cullman County.

COMMITTEE ON WAYS AND MEANS

By Representative White (With Notice and Proof):

H. 4. Relating to Escambia County, authorizing the sheriff to operate a jail store, contract telephone installation for inmates, and contract housing for federal, municipal, and county prisoners other than Escambia County prisoners; providing for the deposit of moneys earned and for the distribution and auditing of monies earned; and providing for a retroactive effective date.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 4, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Barnes:

H. 5. Relating to the following part of Jefferson County: The school tax district in Jefferson County known as the Tarrant City School District and consisting of all of that part of Jefferson County within the corporate limits of the City of Tarrant, Alabama (The "Tarrant School District"); approving an increase of the five and two-tenths mill district ad valorem school tax levied in the Tarrant School District pursuant to Amendments No. 3, No. 325, and No. 373 to the Constitution of Alabama of 1901, by six mills to eleven and two-tenths mills, all in accordance with Amendment No. 373 to the Alabama Constitution; such additional six mill tax to be levied and collected by the governing body of Jefferson County for each year beginning with the levy for the tax year October 1, 1994, to September 30, 1995 (the tax for which year will be due and payable October 1, 1995) or such later year for which the required electorate approval may be obtained for the earliest possible levy and collection, and ending with the levy for the tax year October 1, 2020, to September 30, 2021 (the tax for which year will be due and payable October 1, 2021), for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the Tarrant School District at a special election called and held in accordance with the law governing special elections.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Williams (With Notice and Proof):

H. 6. To amend Section 1 of Act No. 90-394, H. 799 of the 1990 Regular Session (Acts 1990, p. 550), to provide further for the salary of the Sheriff of Dale County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 6, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Campbell:

H. 7. Providing for a special civil cause of action for victims who are injured

or suffered loss due to an act committed on them because of their actual or perceived race, religion, national origin, ethnicity, or disability, and providing for treble damages and attorney fees.

COMMITTEE ON JUDICIARY

By Representative Campbell:

H. 8. Prescribing additional standards and restrictions for governing boards of educational institutions and funds to use for guidance in investing and managing educational trust funds and providing for the releasing of restrictions on the use of certain funds or the selection of investments for certain funds through donor acquiescence or court action.

COMMITTEE ON WAYS AND MEANS

By Representative Warren:

H. 9. Relating to child care and the licensing and regulation of child-care facilities by the Department of Human Resources; to amend Section 38-7-2 of the Code of Alabama 1975, to further provide for the definition of "child" and "child-care facilities" including "transitional living facilities"; and to authorize the Department of Human Resources to purchase and lease property for the operation of transitional living facilities.

COMMITTEE ON HEALTH

By Representative Millican:

H. 10. To prohibit any person from possessing, without authority, any state, county, or municipal traffic sign; and to provide penalties; to make this act supplemental to any other law not in conflict.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Clay (With Notice and Proof):

H. 11. Relating to the City of Tuskegee, to amend Sections 4, 5, and 6 of Act No. 79-231, H. 660, 1979 Regular Session (Acts 1979, p. 356), to revise the procedure for abating a nuisance; to require the city to post and maintain an account of the cost of abating the nuisance on the property where the work is done, submit an itemized report to the city council, and post notice of the report at city hall; and to provide that the assessment of costs for demolishing buildings and structures by the city shall constitute a lien on the property to be charged with the collection of taxes or assessments.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 11, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Dolbare (With Notice and Proof):

H. 12. Relating to Clarke County; providing that all expense allowances now provided to the Sheriff of Clarke County shall become salary commencing with the next term of office.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 12, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Dolbare (With Notice and Proof):

H. 13. Relating to Washington County, to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 13, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Haynes and Johnson:

H. 14. To make both a supplemental appropriation and a conditional appropriation from the Alabama Special Educational Trust Fund to the Alabama Institute for Deaf and Blind for the fiscal year ending September 30, 1993.

COMMITTEE ON WAYS AND MEANS

By Representative Buskey (With Notice and Proof):

H. 15. To alter, rearrange, and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory to the City, to-wit: as described herein, the Mobile Municipal Airport and certain areas surrounding the same; to provide for certain city ad valorem tax exemptions; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 15, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Haynes and Johnson:

H. 16. To amend Section 17-10-14 of the Code of Alabama 1975, to provide further for the compensation of the absentee election manager.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Zoghby and Rockhold:

H. 17. To exempt the L'Arche-Mobile, Inc., a nonprofit corporation, located in Mobile, Alabama, from the payment of all state, county, and municipal sales and use taxes, and any amusement or entertainment taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Freeman and Hawkins:

H. 18. Relating to the use of explosives; to appropriate from the State Fire Marshal's Fund in the State General Fund, the sum of two hundred twenty-five thousand dollars (\$225,000) in the fiscal year commencing October 1, 1993, to the Department of Insurance for use by the State Fire Marshal for expenditure in the administration and enforcement of the Alabama Explosives Safety Act of 1993, and to provide that these funds shall be supplemental to any funds appropriated to the Department of Insurance or the State Fire Marshal.

COMMITTEE ON WAYS AND MEANS

By Representative Freeman (With Notice and Proof):

H. 19. Relating to Madison County; authorizing the county to provide for the cremation of indigent persons under certain circumstances.

COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 19, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Rockhold, Gaston, and Zoghby:

H. 20. To exempt the Mission of Hope, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Penry, Warren, White, McMillan, Blakeney, and Mikell:

H. 21. To amend Sections 9-13-63 and 9-13-82, Code of Alabama 1975, relating to forest products, to provide further for the maintenance of certain records and for the privilege and severance taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson (With Notice and Proof):

H. 22. Relating to the Twenty-ninth Judicial Circuit of Alabama by authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 22, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Johnson and Haynes:

H. 23. Relating to the Department of Youth Services, to make a supplemental appropriation to the department for the fiscal year ending September 30, 1993, from the Alabama Special Educational Trust Fund.

COMMITTEE ON WAYS AND MEANS

By Representatives Johnson and Haynes:

H. 24. To amend Sections 32-7-2, 32-7-8, 32-7-22, and 32-7-27, Code of Alabama 1975, and to repeal Section 32-7-39, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, to increase the proof of financial

responsibility, to further provide for the time of suspension of a person's license or operating privilege or the security required, to increase the amount of minimum coverage of a motor vehicle liability policy, to increase the amount deposited with the State Treasurer, and to delete provisions relating to expenses for administering the Motor Vehicle Safety-Responsibility Act by the Department of Public Safety.

COMMITTEE ON HEALTH

By Representatives Johnson and Haynes:

H. 25. To amend Section 26-14-3 of the Code of Alabama 1975, to provide that investigations of reports of suspected child abuse or neglect involving discipline or corporal punishment committed in public or private schools or kindergartens or suspected child abuse or neglect committed in state-operated child residential facilities be investigated by law enforcement agencies, and that all other reports of suspected child abuse and neglect be investigated by the Department of Human Resources; to amend Section 26-14-1 of the Code of Alabama 1975, to revise the definition of child sexual abuse and neglect; and to specify the investigatory authority of the Department of Human Resources in cases involving alleged neglect due to inadequate medical treatment based upon legitimate religious practices.

COMMITTEE ON HEALTH

By Representatives Johnson and Haynes:

H. 26. To provide that a defendant who has been adjudged in a paternity proceeding to be the father of a child may, except in the case of adoption, reopen the case upon scientific evidence that the defendant is not the father of the child.

COMMITTEE ON HEALTH

By Representatives Harper, Hooper, White, Fuller, Turner, Warren, Kennedy, Richardson, Starkey, McDaniel, Gaines, Haynes, Johnson, McMillan, Turnham, Curry, Mikell, Higginbotham, Letson, Black (M), Mathis, Barnes, Gullatt, Zoghby, Petelos, Millican, Morton, Collins, McClain, and Rockhold:

H. 27. To add an article to Chapter 10 of Title 41 of the Code of Alabama 1975, relating to the State Industrial Development Authority; to make legislative findings with respect to the need for additional powers of the Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and research projects; to establish criteria for the selection of enterprises and projects eligible for financing the the Authority; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for

general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to permit the Authority to grant certain incentives to companies proposing to construct projects in the state, including credits against the corporate income tax and the collection of certain fees from employees; to grant to employees from whom such fees have been collected a credit against state income taxes; to permit the Authority to establish tax increment funds out of which project obligations may be made payable and to provide for payments into such funds; to permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to confirm that the Authority is exempt from taxation and from state laws governing usury and competitive bids; and to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm, or corporation.

COMMITTEE ON WAYS AND MEANS

By Representatives Harper and Clark (J):

H. 28. Relating to insurance premium tax; to amend Act 93-679, H. 845, 1993 Regular Session, to provide a new classification of insurance entitled "medical liability insurance" and to establish a rate of premium tax applicable to such insurance.

COMMITTEE ON WAYS AND MEANS

By Representative Harper (With Notice and Proof):

H. 29. Relating to Mobile County; to exempt the Mobile Arts and Sport Association from the payment of all county and municipal sales and use taxes.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 29, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Harper:

H. 30. To amend the Alabama Special Educational Trust Fund Appropriation Act, Act No. 93-772, H. 222, 1993 Regular Session, to remove a prohibition concerning the transfer or expenditure of certain funds by the University of South Alabama.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 31. To amend Section 12-17-142, Code of Alabama 1975, to provide for surviving spouse benefits, paid from the clerks' and registers' supernumerary fund, for certain supernumerary clerks and registers.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 32. To amend Section 32-6-150, Code of Alabama 1975, relating to the issuance and sale of personalized license tags for motor vehicles, to authorize the issuance and sale of the tags for motorcycles.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 33. To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund in the amount of \$2,000,000 for the fiscal year ending September 30, 1994, to the Alabama Commission on Higher Education which sum shall be allocated to the Eminent Scholars Program.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 34. To amend Act No. 93-652, S. 16, 1993 Regular Session, to provide further for certain educational assistance benefits for certain active members of the Alabama National Guard and to make an appropriation.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 35. To amend the General Fund appropriation bill, Act 93-771 of the 1993 Regular Session which makes appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994, in the following manner: (1) to provide for a supplemental appropriation to the Alabama Department of Economic and Community Affairs; (2) to provide for a supplemental appropriation to the Forestry Commission from the Alabama Forestry Commission Fund; (3) to transfer funds between programs under the Farmers' Market Authority; (4) to provide for a supplemental appropriation to the Historic Blakeley Authority; (5) to provide for a supplemental appropriation to the Legislative Fiscal Office; (6) to provide for a supplemental appropriation to the Alabama Public Service Commission from the Public Service Commission Fund; (7) to provide for a supplemental appropriation to the State Auditor; and (8) to provide for an appropriation to the Home Builders Licensure Board.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 36. To amend the Alabama Special Educational Trust Fund appropriation bill, Act 93-772 of the 1993 Regular Session which makes appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1994, in the following manner: (1) to provide for a supplemental appropriation to the Alabama Commission on Higher Education for the Eminent Scholars Program; (2) to remove language under the appropriation to the University of South Alabama; (3) to provide for a supplemental appropriation to Auburn University for research facilities; (4) to provide for a supplemental appropriation to Gadsden State Community College; and (5) to provide for a supplemental appropriation to Livingston University.

COMMITTEE ON WAYS AND MEANS

By Representatives Harvey, Clark (J), White, Starkey, Gullatt, Black (L), Hawkins, Fuller, Smith (C), Mikell, and Haynes:

H. 37. To amend Sections 23-1-20 and 23-1-21, Code of Alabama 1975, to change the name of the State Highway Department to the Department of Transportation and change the title of the Highway Director, to the Director of Transportation.

COMMITTEE ON COMMERCE, TRANSPORTATION AND UTILITIES

By Representatives Gaines, Sanderson, Box, Carns, Hawkins, Smith (R), Petelos, Knight (A), Curry, Morton, Rich, Sanderford, and McKee:

H. 38. Relating to the Ethics Law, to add certain definitions, redefine other terms, and expand persons covered under the Ethics Act; to change any reference to elected officials and government employees to public officials and public employees throughout the Ethics Law; to authorize the Ethics Commission to issue subpoenas; to investigate confidential complaints in certain circumstances; to provide further for standards of conduct; to prohibit representations by certain public officials, public employees, and family members, of certain businesses of clients for a fee before quasi-judicial boards or commissions, governmental regulatory agencies, or executive departments or agencies; to prohibit attorney-legislators from representing clients before certain regulatory agencies and departments, but allowing practice before certain other state entities with notice to the State Ethics Commission; to prohibit regulatory officials and employees and families from accepting anything of value in specified circumstances; to prohibit, for a certain period, former state officials and public employees from serving for fees as lobbyists or before agencies where they have previously served; to provide for the removal of names of candidates from ballots; to provide for annual registration and an annual fee for lobbyists; to authorize the

commission to assess a civil penalty for failure to file a correct, timely statement of economic interests; and to amend Sections 36-25-1, 36-25-3, 36-25-4, 36-25-5, 36-25-6, 36-25-7, 36-25-10, 36-25-12, 36-25-13, 36-25-15, 36-25-18, 36-25-23, and 36-25-27 of the Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representative Burke (With Notice and Proof):

H. 39. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Fort Payne in DeKalb County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 39, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Hawkins, Carns, and Gaines (With Notice and Proof):

H. 40. To authorize the county commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax district subject to the jurisdiction and control of the Vestavia Hills City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.51 on each one hundred dollars (15.1 mills on each dollar) of assessed value.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 40, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Hawkins, Carns, and Gaines (With Notice and Proof):

H. 41. To authorize the county commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax district subject to the jurisdiction and control of the Hoover City Board of

Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.39 on each one hundred dollars (13.9 mills on each dollar) of assessed value.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 41, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Lindsey (With Notice and Proof):

H. 42. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Leesburg in Cherokee County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 42, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Clay (With Notice and Proof):

H. 43. Relating to Macon County; creating a Macon County Economic Development Authority and providing for the composition, terms, duties, functions, powers, and personnel of the authority.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 43, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Carothers, Mathis, and Beasley:

H. 44. To provide for the establishment, composition, and powers of the Alabama Agricultural Museum Board.

COMMITTEE ON WAYS AND MEANS

By Representatives Carothers, Mathis, and Beasley:

H. 45. Transferring certain sections of the Code of Alabama 1975, regarding the crime of child abuse, amending the Code of Alabama 1975 by adding Section 13A-6-26, repealing Sections 26-15-1, 26-15-2, 26-15-3, and 26-15-4, Code of Alabama 1975.

COMMITTEE ON JUDICIARY

By Representatives Carothers, Mathis, and Beasley (With Notice and Proof):

H. 46. Relating to compensation for the Houston County Commission; converting the existing expense allowance to salary compensation commencing with the next term of office.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 46, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Carothers and Mathis (With Notice and Proof):

H. 47. Relating to Houston County; providing for the establishment of an employee incentive program for certain Houston County employees.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 47, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Spratt and Barnes (With Notice and Proof):

H. 48. Relating to Class 1 municipalities; providing, subject to voter approval, for the election of the city board of education from nine single-member districts.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 48, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Rich:

H. 49. To amend Section 13A-7-23.1, Code of Alabama 1975, as amended by Act No. 93-770, H. 367, 1993 Regular Session, to provide further for procedures for the lawful preservation, restoration, or relocation of any tomb, monument, structure, or human remains.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives McClain and Petelos (With Notice and Proof):

H. 50. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Midfield in Jefferson County.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 50, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Collins (With Notice and Proof):

H. 51. Relating to Lamar County; authorizing the county commission to maintain driveways for schools, churches, and church-owned cemeteries, and school bus turnarounds located within the county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 51, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Newton (D) and Rogers (F) (With Notice and Proof):

H. 52. Prescribing procedures for converting prior service to creditable service in the General Retirement System for Employees of Jefferson County as established by Act No. 497 of the 1965 Regular Session of the Legislature, providing for payment for converting the prior service, and providing for a delayed effective date.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 52, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McMillan and Penry:

H. 53. To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to non-participating employers eligible for participation in the system.

COMMITTEE ON WAYS AND MEANS

By Representative Poole:

H. 54. To create a new circuit judgeship in the Sixth Judicial Circuit.

COMMITTEE ON WAYS AND MEANS

By Representative Lindsey:

H. 55. To define disparagement of perishable products or commodities; to provide a cause of action; to provide for recovery; to provide for limitations of actions and civil procedure; and to provide for cumulative effect.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representatives Carothers, Mathis, and Beasley (With Notice and Proof):

H. 56. Relating to Houston County; providing further for the compensation of the members of the board of registrars.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 56, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Lindsey:

H. 57. To amend Sections 9-11-32 and 9-11-37 Code of Alabama 1975, and Sections 9-11-55 and 9-11-56, Code of Alabama 1975, as amended by Act

93-322 of the 1993 Regular Session, relating to hunting and fishing licenses, to further provide for the license year for certain licenses, the issuance fee for licenses, and to provide for the license fee for certain nonresident freshwater fishing licenses.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representatives Fuller, Clark (J), White, Drake, Smith (C), Harper, Cosby, Harvey, Dolbare, Rogers (F), McDaniel, Beasley, Cullins, Turnham, McMillan, Letson, Warren, Knight (A), Newton (C), Richardson, McClain, Freeman, Barnes, Kennedy, Haynes, Johnson, Curry, Mathis, McKee, Haney, Bryant, Gullatt, Zoghby, Petelos, Hogan, Williams, Biddle, Black (M), Rogers (J), Crow, Spratt, Box, Newton (D), Holley, Hawkins, Penry, Mikell, Clark (W), Clay, Holladay, Knight (J), Morrow, Thomas, Flowers, Parker (T), Payne, Poole, McDowell, Butler, Ford, Hooper, Burke, Perdue, Lindsey, Gaines, Hall, Starkey, Higginbotham, Carns, Rich, Smith (R), Collins, Morton, Millican, Rockhold, Powell, Gaston, Turner, Venable, Layson, Hamilton, Campbell, Laird, Sanderson, Sanderford, Blakeney, Walker, Willis, Carter, and Parker (P):

H. 58. To authorize the use of certain non-sectarian voluntary prayer on public property.

COMMITTEE ON WAYS AND MEANS

By Representative Gaines (With Notice and Proof):

H. 59. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Homewood, in Jefferson County.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 59, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Barnes (With Notice and Proof):

H. 60. Relating to the following part of Jefferson County: The school tax district in Jefferson County known as the Tarrant City School District and consisting of all of that part of Jefferson County within the corporate limits of the City of Tarrant, Alabama (The "Tarrant School District"); approving an increase of the five and two-tenths mill district ad valorem school tax levied in the Tarrant School District pursuant to Amendments No. 3, No. 325, and No. 373 to the

Constitution of Alabama of 1901, by six mills to eleven and two-tenths mills, all in accordance with Amendment No. 373 to the Alabama Constitution; such additional six mill tax to be levied and collected by the governing body of Jefferson County for each year beginning with the levy for the tax year October 1, 1994, to September 30, 1995 (the tax for which year will be due and payable October 1, 1995) or such later year for which the required electorate approval may be obtained for the earliest possible levy and collection, and ending with the levy for the tax year October 1, 2020, to September 30, 2021 (the tax for which year will be due and payable October 1, 2021), for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the Tarrant School District at a special election called and held in accordance with the law governing special elections.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 60, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turner:

H. 61. Relating to certain employee classifications and benefits of state employees employed at the Alabama State Docks Department Mobile facilities; to authorize certain defined persons who are employed under collective bargaining agreements at the Alabama State Docks of Mobile to become state employees, except the employees of the Terminal Railroad at the Alabama State Docks who are subject to the Federal Railway Labor Act and the Railroad Retirement Act; to allow employees to purchase credit under the Employees' Retirement system under certain guidelines and conditions for prior service credit with the Alabama State Docks; to require the Director of the Alabama State Docks at Mobile, the Director of the State Personnel Department, the Commissioner of the State Insurance Board, and the Chief Executive Officer of the Employees' Retirement System of Alabama to appropriately classify certain defined employees and to expedite this act by rules and regulations which would be exempt from the Alabama Administrative Procedure Act; and to expressly prohibit certain collective or negotiated bargaining by employees electing coverage under the state merit system.

COMMITTEE ON WAYS AND MEANS

By Representative Zoghby:

H. 62. To amend Section 22-30B-2, Code of Alabama 1975, as amended by Act 92-658, H. 76, 1992 Second Special Session (1992 Second Special

Session Acts, p. 32), relating to hazardous waste and hazardous substance disposal fees; to exempt from the payment of those fees any hazardous waste or substances collected or removed by any governmental entity or agency or party performing those services pursuant to a contract with any governmental entity or agency, and any hazardous waste or substances collected or removed during any amnesty program authorized by the Alabama Department of Environmental Management.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Biddle, Payne, and Morton:

H. 63. To amend Sections 32-5A-191 and 33-5-24, Code of Alabama 1975, by providing that a person may not operate a motor vehicle or vessel, or manipulate any water skis or aquaplane while there is 0.08 percent or more by weight of alcohol in his or her blood.

COMMITTEE ON HEALTH

By Representative Gaines (With Notice and Proof):

H. 64. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Homewood in Jefferson County.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 64, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Richardson:

H. 65. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to Auburn University for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Hammett (With Notice and Proof):

H. 66. To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Covington County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 66, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hammett:

H. 67. Proposing an amendment to the Constitution of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in Covington County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Harvey (With Notice and Proof):

H. 68. Relating to Blount County; providing for the distribution of certain funds by the Board of Directors of Blount Memorial.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 68, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turnham:

H. 69. Relating to credits against state income tax liability; to provide a credit to employers who provide approved basic skills education programs to its employees beginning with the 1993 tax year.

COMMITTEE ON WAYS AND MEANS

By Representative Turnham:

H. 70. To establish a program to provide early intervention services for infants and toddlers with disabilities and their families.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (C) (With Notice and Proof):

H. 71. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of McKenzie in Butler County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 71, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Carter and Hamilton (With Notice and Proof):

H. 72. Relating to Limestone County; authorizing the Limestone County Commission to regulate advertisement signs on the right-of-way of the county; to provide penalties for violations; and to provide that any municipality in Limestone County may regulate advertisement signs along streets and roads in the municipality.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 72, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Carter and Hall (With Notice and Proof):

H. 73. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Huntsville in Madison County to exclude certain territory.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 73, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Lindsey:

H. 74. To amend Sections 2-15-20, 2-15-43, 2-15-60, 2-15-118, 2-15-131, and 2-15-150 of the Code of Alabama 1975, to provide a new definition of livestock for specified purposes.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representatives McMillan and Penry (With Notice and Proof):

H. 75. Relating to Baldwin County; creating and establishing a personnel merit system; providing for personnel rules, principles, and organization; establishing a personnel department; establishing an appeals board and its membership; providing for classes of employment; and providing that county employees on April 21, 1993, under certain conditions shall be classified employees.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 75, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Penry and McMillan:

H. 76. To amend Section 11-88-6, Code of Alabama 1975, to further provide for the membership on the board of directors of an authority organized in a county pursuant to Chapter 88, Title 11, Code of Alabama 1975, to provide water service, sewer service, and fire protection service when a majority of the inhabitants of the service area is or has been incorporated or annexed into a Class 8 municipality.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Penry and McMillan (With Notice and Proof):

H. 77. Relating to Baldwin County; to provide for the regulation by the county commission of the construction setback from any county or state public road or highway; and to provide for appeals and exceptions.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 77, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McMillan and Penry:

H. 78. To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, relating to the requirement that written educational policies of county and city boards of education be filed with the State Superintendent of Education.

COMMITTEE ON EDUCATION

By Representatives Gaines, Carns, Hawkins, Smith (R), Petelos, Curry, Morton, Knight (A), Rich, Sanderford, and McKee:

H. 79. To limit campaign contributions to candidates for elected offices; to amend Sections 10-2A-70.1, 10-2A-70.2, and 17-22A-7, Code of Alabama 1975, as amended by Act No. 93-762, S. 27, 1993 Regular Session, to provide further for limits on political contributions made by certain corporations and the use of the contributions; and to prescribe penalties for certain violations.

COMMITTEE ON WAYS AND MEANS

By Representatives Holley, Biddle, and Drake:

H. 80. To authorize certain veterans and active reserve members of the United States Armed Forces to purchase a distinctive motor vehicle license tag; and for this purpose to amend Section 32-6-150, Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representatives Butler, Fuller, McMillan, and Freeman:

H. 81. To make a supplemental conditional appropriation from the State General Fund to the State Department of Veterans' Affairs for the fiscal year ending September 30, 1993 and to specify the purposes for which the funds may be used.

COMMITTEE ON WAYS AND MEANS

By Representatives Butler, Johnson, and Freeman:

H. 82. To create the Infected Health Care Worker Management Act; to require reporting of an infected health care worker to the State Health Officer; to require an infected health care worker to submit to review by an expert review panel; to authorize the State Health Officer to undertake a review of the practice of an infected health care worker to determine if invasive procedures are performed by the worker; to authorize the creation of expert review panels and provide for

their composition and duties; to authorize the State Health Officer to issue restrictions on the practice of the infected health care worker; to provide an appeal process; to authorize the monitoring of the practice of the infected health care worker and to require reporting of violations to the State Health Officer; to provide grounds for revocation, suspension, or restriction of infected health care workers licensed by licensing boards; to require infected health care workers and third parties with records or information to provide records or other information and to cooperate with an investigation; to provide immunity from civil and criminal liability for individuals, agencies, experts, and committees involved in the investigation of an infected health care worker; to create confidentiality standards and to provide for uses of the information gained during an investigation; to authorize promulgation of rules for administration of this act; to enable the State Board of Health to file suit in circuit court to compel compliance; and to provide penalties for violation of this act.

COMMITTEE ON HEALTH

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hammett, Rule 12(C) was suspended for the Introduction of H. 83.

By Representatives Harper, Butler, and Hooper:

H. 83. To amend Sections 40-16-1, 40-18-15, 40-18-21, 40-18-38, 40-18-71 and 40-18-82 of the Code of Alabama 1975 in order to reflect therein the allowance of personal and corporate income and financial institution excise tax deductions for certain contributions to the State Industrial Development Authority to help induce industrial and research facilities to locate in the State; to reflect therein the allowance of certain corporate income tax credits provided by the Authority to induce industrial and research facilities to locate in the State; and to reflect therein the allowance of certain personal income tax credits to offset the impact upon employees of industrial and research facilities of certain other incentives provided by the Authority to induce such facilities to locate in the State.

COMMITTEE ON WAYS AND MEANS

INTRODUCTION OF BILLS CONTINUED

By Representatives Box, Butler, Rogers (F), Higginbotham, Smith (C), Turner, Morrow, Newton (C), Crow, Millican, Turnham, Haynes, Curry, and Morton:

H. 84. Relating to elections, to amend portions of the Fair Campaign

Practices Act, Sections 17-22A-2 to 17-22A-23, inclusive, Code of Alabama 1975, including Section 17-22A-7, Code of Alabama 1975, as amended by Act 93-762, S. 27, 1993 Regular Session, to provide further for the regulation of elections and campaign practices of candidates, elected officials, political action committees and principals, corporations, professional associations, professional corporations, limited liability companies, partnerships, and individuals; to limit certain campaign contributions for each balloted election cycle; to provide for late fees for candidates failing to file certain statements or reports on time; to authorize the initiation of legal proceedings to remove certain delinquent candidates from the ballot and revoke the certificate of election from delinquent elected officials; to include municipal candidates under certain requirements of this act; to require the solicitation and acceptance of contributions to fall within certain time frames; to provide for further campaign disclosure and to prohibit the transfer of certain funds between political action committees; and to prescribe penalties for violations.

COMMITTEE ON WAYS AND MEANS

By Representatives Box, Butler, Rogers (F), Higginbotham, Gaines, Smith (C), Petelos, Turner, Morrow, Newton (C), Crow, Knight (A), Millican, Turnham, Haynes, Curry, and Morton:

H. 85. Relating to the State Ethics Law; defining certain terms; conforming certain provisions to those terms; making technical nonsubstantive changes; increasing the membership of the commission and providing for the method of filling vacancies; providing for the promulgation of rules and regulations; requiring the recording of proceedings and the preservation of the records; specifying the procedure for the issuance of advisory opinions; requiring that investigative matters remain confidential and providing penalties for violations; providing a procedure for processing a complaint, and for offering the respondent a right to participate; providing a procedure for conducting an investigation and a hearing; providing a procedure for the subpoena of evidence; revising the statement of economic interests; specifying the procedure to be used to remove a candidate from the ballot; requiring lobbyists and principals to file additional information; prohibiting public officials and public employees from soliciting a thing of value or certain costs and prohibiting a lobbyist from satisfying such a solicitation; to prevent certain former public officials and public employees from lobbying and contracting with public agencies for a certain period of time after their public service; to provide certain employment protection and civil remedies to persons filing a complaint; creating the crime of wanton false reporting of a complaint and false reporting of a complaint and prescribing criminal penalties; permitting the recovery of attorney fees in a civil action; and amending Sections 36-25-1 to 36-25-30, inclusive, Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representative Collins:

H. 86. To make a supplemental appropriation from the State Water Safety Fund in the State Treasury to the Department of Conservation and Natural Resources, Division of Marine Police, for the fiscal year ending September 30, 1994.

COMMITTEE ON WAYS AND MEANS

By Representative Morton (With Notice and Proof):

H. 87. Relating to Jefferson County; transferring the funding and administration of retirements based upon disability for employees of the Jefferson County Sheriff's Department under the General Retirement System for Employees of Jefferson County from the system to the Jefferson County Commission.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 87, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Curry, Fuller, Gaines, and Petelos:

H. 88. Providing for an election for a constitutional convention to revise and amend the Constitution of Alabama of 1901.

COMMITTEE ON JUDICIARY

By Representative Powell (With Notice and Proof):

H. 89. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Prattville in Autauga County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 89, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turner (With Notice and Proof):

H. 90. Relating to the City of Wilmer in Mobile County, Alabama, by providing for a referendum election on the question of dissolution of the City of Wilmer, and for disposition of certain city services including radio communication should the voters elect to dissolve the city.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 90, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Zoghby:

H. 91. To further amend Section 37-3-4, Code of Alabama 1975, amended by Act No. 93-752, H. 311 of the 1993 Regular Session, relating to certain exemptions from the Alabama Motor Carriers Act for certain motor carriers and others to allow certain motor carriers who transport passengers of certain nonprofit groups, organizations, societies, corporations, public institutions, or other organizations with tax exempt status by the federal government pursuant to 26 U.S.C.A. 501(c), to charge lesser rates or tariffs; to require certain filings with the Public Service Commission in the manner prescribed by the commission; and to provide for an effective date.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Hammett, Clark (J), McDaniel, Turnham, Harvey, White, Powell, Bryant, Kennedy, Hooper, McMillan, Carter, Harper, Richardson, Laird, Hamilton, Sanderson, Gaines, Crow, Knight (A), Holley, Collins, Williams, Hogan, Petelos, Hawkins, Millican, Clark (W), Penry, Willis, Flowers, Cagle, Curry, Morton, Smith (C), Butler, and Spratt:

H. 92. Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2, 17-22A-3, 17-22A-4, 17-22A-5, 17-22A-7, as amended by Act 93-762, S. 27, 1993 Regular Session, 17-22A-8, 17-22A-9, 17-22A-11, and 17-22A-21, Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees.

COMMITTEE ON WAYS AND MEANS

1st Day

By Representatives Hammett, Clark (J), McDaniel, White, Bryant, Turnham, Harvey, Powell, Kennedy, McMillan, Hooper, Carter, Harper, Richardson, Laird, Hamilton, Sanderson, Gaines, Crow, Knight (A), Holley, Collins, Williams, Hogan, Millican, Rogers (F), Petelos, Hawkins, Clark (W), Penry, Willis, Flowers, Cagle, Curry, Morton, Smith (C), Burke, and Spratt:

H. 93. Relating to the State Ethics Law; defining certain terms; conforming certain provisions to those terms; making technical nonsubstantive changes; increasing the membership of the commission and providing for the method of filling vacancies; providing for the promulgation of rules and regulations; requiring the recording of proceedings and the preservation of the records; specifying the procedure for the issuance of advisory opinions; requiring that investigative matters remain confidential and providing penalties for violations; providing a procedure for processing a complaint, including a complaint filed by a complainant requesting anonymity, and for offering the respondent a right to participate; providing a procedure for conducting an investigation and a hearing; providing a procedure for the subpoena of evidence; prohibiting certain public officers and public employees from entering into a contract with their former office or agency for a certain time; revising the statement of economic interests; specifying the procedure to be used to remove a candidate from the ballot; requiring lobbyists and principals to file additional information; prohibiting public officials and public employees from soliciting a thing of value or certain costs and prohibiting a lobbyist from satisfying such a solicitation; creating the crime of wanton false reporting of a complaint and false reporting of a complaint and prescribing criminal penalties; permitting the recovery of attorney fees in a civil action; and amending Sections 36-25-1 to 36-25-30, inclusive, Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 94. To amend Section 32-5-192 to provide that hearings provided for in this section by the director or his duly authorized agent shall be held in the county where the licensee was arrested unless the Director of Public Safety and the licensee agree that such hearing may be held in some other county, and to provide for judicial review of the director's action in the circuit court in the county in which the person was arrested.

COMMITTEE ON JUDICIARY**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Foshee:

S.J.R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the President Pro Tempore and Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators: Denton, Hale, and Langford.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 1, set out in the foregoing Message from the Senate.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Zoghby, Anderson and Knight (J).

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Foshee:

S.J.R. 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint session of the House and Senate be held at 6:45 P.M. on August 12, 1993, for the purpose of hearing the message of the Honorable Jim Folsom, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the Senate, to be named by the President Pro Tempore and Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said committee also serve as a committee to escort the Governor to the House for the joint session.

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on part of the Senate to escort the Governor, Senators: Windom, Underwood, and Escott-Russell.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 2, set out in the foregoing Message from the Senate.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Zoghby, Anderson and Knight (J).

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Foshee:

S.J.R. 3. RELATIVE TO THE PRINTING OF THE ACTS AND JOURNALS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the acts and journals of this First Special Session in 1993, be bound with any other Special Session in 1993.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hammett, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 3, set out in the foregoing Message from the Senate.

RESOLUTIONS

The following resolution was introduced:

By Representative Campbell:

H.J.R. 32. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, August 12, 1993, they adjourn to meet again on Tuesday, August 17, 1993.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 32, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Parker (T):

H.R. 33. MOURNING THE DEATH OF MR. F. GRAFTON HOCUTT OF TUSCALOOSA, ALABAMA.

Also:

By Representative Butler:

H.R. 34. COMMENDING THE UNIVERSITY OF ALABAMA-HUNTSVILLE ON THE CONCRETE CANOE NATIONAL CHAMPIONSHIP.

Also:

By Representative Butler:

H.R. 35. MOURNING THE DEATH OF THE REVEREND ROBERT C. HORNBuckle OF MADISON COUNTY.

Also:

By Representative Butler:

H.R. 36. MOURNING THE DEATH OF CLAUDE A. FREEMAN OF HUNTSVILLE, ALABAMA.

Also:

By Representative Butler:

H.R. 37. MOURNING THE DEATH OF WILLIAM PLEAS HILL OF MADISON COUNTY, ALABAMA.

Also:

By Representative Parker (T):

H.R. 38. COMMENDING TUSCALOOSA CITY COUNCIL PRESIDENT BILL LANFORD FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

Also:

By Representative Parker (T):

H.R. 39. CONGRATULATING MITCH STRICKLAND OF TUSCALOOSA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Box:

H.R. 40. CONGRATULATING MR. ROBERT GORDON LISTER ON THE OCCASION OF HIS 80TH BIRTHDAY.

ADJOURNMENT

On motion of Representative Box and pursuant to the resolution, H.R. 4, heretofore adopted, the House adjourned until 5:00 o'clock p.m., Tuesday, August 17, 1993.

SECOND DAY

**House of Representatives
Montgomery, Alabama
Tuesday, August 17, 1993**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Rusty Taylor, Associate Pastor, Frazier Memorial Methodist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by J. P. Roark, 8th Grade, Goodwyn Junior High School, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

LEAVE OF ABSENCE

At the request of Representative Bryant, leave of absence was granted for Representative Cosby.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the first legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the first legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Representative Carter:

H.R. 41. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, August 17, 1993, we adjourn to meet again on Wednesday, August 18, 1993, at 10 a.m.

On motion of Representative Carter, the rules were suspended and the resolution, H.R. 41, was adopted.

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 92. (With Substitute) (With Amendment): Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2, 17-22A-3, 17-22A-4, 17-22A-5, 17-22A-7, as amended by Act 93-762, S. 27, 1993 Regular Session, 17-22A-8, 17-22A-9, 17-22A-11, and 17-22A-21, Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 93. (With Substitute): Relating to the State Ethics Law; defining certain terms; conforming certain provisions to those terms; making technical nonsubstantive changes; increasing the membership of the commission and providing for the method of filling vacancies; providing for the promulgation of rules and regulations; requiring the recording of proceedings and the preservation of the records; specifying the procedure for the issuance of advisory opinions; requiring that investigative matters remain confidential and providing penalties for violations; providing a procedure for processing a complaint, including a complaint filed by a complainant requesting anonymity, and for offering the respondent a right to participate; providing a procedure for conducting an investigation and a hearing; providing a procedure for the subpoena of evidence; prohibiting certain public officers and public employees from entering into a contract with their former office or agency for a certain time; revising the statement of economic interests; specifying the procedure to be used to remove a candidate from the ballot; requiring lobbyists and principals to file additional information; prohibiting public officials and public employees from soliciting a thing of value or certain costs and prohibiting a lobbyist from satisfying such a solicitation; creating the crime of wanton false reporting of a complaint and false reporting of a complaint and prescribing criminal penalties; permitting the recovery of attorney fees in a civil action; and amending Sections 36-25-1 to 36-25-30, inclusive, Code of Alabama 1975.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 27. (With Substitute) (With Amendments): To add an article to Chapter 10 of Title 41 of the Code of Alabama 1975, relating to the State Industrial Development Authority; to make legislative findings with respect to the need for additional powers of the Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and research projects; to establish criteria for the selection of enterprises and projects eligible for financing the the Authority; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to permit the Authority to grant certain

incentives to companies proposing to construct projects in the state, including credits against the corporate income tax and the collection of certain fees from employees; to grant to employees from whom such fees have been collected a credit against state income taxes; to permit the Authority to establish tax increment funds out of which project obligations may be made payable and to provide for payments into such funds; to permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to confirm that the Authority is exempt from taxation and from state laws governing usury and competitive bids; and to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm, or corporation.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 83. (With Substitute): To amend Sections 40-16-1, 40-18-15, 40-18-21, 40-18-38, 40-18-71 and 40-18-82 of the Code of Alabama 1975 in order to reflect therein the allowance of personal and corporate income and financial institution excise tax deductions for certain contributions to the State Industrial Development Authority to help induce industrial and research facilities to locate in the State; to reflect therein the allowance of certain corporate income tax credits provided by the Authority to induce industrial and research facilities to locate in the State; and to reflect therein the allowance of certain personal income tax credits to offset the impact upon employees of industrial and research facilities of certain other incentives provided by the Authority to induce such facilities to locate in the State.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 28. Relating to insurance premium tax; to amend Act 93-679, H. 845, 1993 Regular Session, to provide a new classification of insurance entitled "medical liability insurance" and to establish a rate of premium tax applicable to such insurance.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 35. (With Substitute) (With Amendment): To amend the General Fund appropriation bill, Act 93-771 of the 1993 Regular Session which makes appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for

capital outlay for the fiscal year ending September 30, 1994, in the following manner: (1) to provide for a supplemental appropriation to the Alabama Department of Economic and Community Affairs; (2) to provide for a supplemental appropriation to the Forestry Commission from the Alabama Forestry Commission Fund; (3) to transfer funds between programs under the Farmers' Market Authority; (4) to provide for a supplemental appropriation to the Historic Blakeley Authority; (5) to provide for a supplemental appropriation to the Legislative Fiscal Office; (6) to provide for a supplemental appropriation to the Alabama Public Service Commission from the Public Service Commission Fund; (7) to provide for a supplemental appropriation to the State Auditor; and (8) to provide for an appropriation to the Home Builders Licensure Board.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 36. To amend the Alabama Special Educational Trust Fund appropriation bill, Act 93-772 of the 1993 Regular Session which makes appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1994, in the following manner: (1) to provide for a supplemental appropriation to the Alabama Commission on Higher Education for the Eminent Scholars Program; (2) to remove language under the appropriation to the University of South Alabama; (3) to provide for a supplemental appropriation to Auburn University for research facilities; (4) to provide for a supplemental appropriation to Gadsden State Community College; and (5) to provide for a supplemental appropriation to Livingston University.

H. 58. To authorize the use of certain non-sectarian voluntary prayer on public property.

H. 34. To amend Act No. 93-652, S. 16, 1993 Regular Session, to provide further for certain educational assistance benefits for certain active members of the Alabama National Guard and to make an appropriation.

H. 14. To make both a supplemental appropriation and a conditional appropriation from the Alabama Special Educational Trust Fund to the Alabama Institute for Deaf and Blind for the fiscal year ending September 30, 1993.

H. 33. To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund in the amount of \$2,000,000 for the fiscal year ending September 30, 1994, to the Alabama Commission on Higher Education which sum shall be allocated to the Eminent Scholars Program.

H. 65. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to Auburn University for the fiscal year ending September 30, 1994.

H. 86. To make a supplemental appropriation from the State Water Safety Fund in the State Treasury to the Department of Conservation and Natural Resources, Division of Marine Police, for the fiscal year ending September 30, 1994.

H. 18. Relating to the use of explosives; to appropriate from the State Fire Marshal's Fund in the State General Fund, the sum of two hundred twenty-five thousand dollars (\$225,000) in the fiscal year commencing October 1, 1993, to the Department of Insurance for use by the State Fire Marshal for expenditure in the administration and enforcement of the Alabama Explosives Safety Act of 1993, and to provide that these funds shall be supplemental to any funds appropriated to the Department of Insurance or the State Fire Marshal.

H. 23. Relating to the Department of Youth Services, to make a supplemental appropriation to the department for the fiscal year ending September 30, 1993, from the Alabama Special Educational Trust Fund.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 30. (With Amendment): To amend the Alabama Special Educational Trust Fund Appropriation Act, Act No. 93-772, H. 222, 1993 Regular Session, to remove a prohibition concerning the transfer or expenditure of certain funds by the University of South Alabama.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 2. (With Amendments): To revise the Underground and Aboveground Storage Tank Trust Fund charge for the first withdrawal from bulk of motor fuels in this state, to appropriate a portion of the fund for administrative costs of the Alabama Department of Environmental Management, to provide for retroactive effect, and amending Sections 22-35-3, 22-35-4, 22-35-5, 22-35-6, 22-35-9, and 22-35-13, Code of Alabama 1975, as amended by Act No. 93-628, H. 739, 1993 Regular Session, for those purposes.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 8. Prescribing additional standards and restrictions for governing boards of educational institutions and funds to use for guidance in investing and

managing educational trust funds and providing for the releasing of restrictions on the use of certain funds or the selection of investments for certain funds through donor acquiescence or court action.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 32. (With Substitute): To amend Section 32-6-150, Code of Alabama 1975, relating to the issuance and sale of personalized license tags for motor vehicles, to authorize the issuance and sale of the tags for motorcycles.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 31. To amend Section 12-17-142, Code of Alabama 1975, to provide for surviving spouse benefits, paid from the clerks' and registers' supernumerary fund, for certain supernumerary clerks and registers.

H. 21. To amend Sections 9-13-63 and 9-13-82, Code of Alabama 1975, relating to forest products, to provide further for the maintenance of certain records and for the privilege and severance taxes.

H. 80. To authorize certain veterans and active reserve members of the United States Armed Forces to purchase a distinctive motor vehicle license tag; and for this purpose to amend Section 32-6-150, Code of Alabama 1975.

H. 81. To make a supplemental conditional appropriation from the State General Fund to the State Department of Veterans' Affairs for the fiscal year ending September 30, 1993 and to specify the purposes for which the funds may be used.

H. 69. Relating to credits against state income tax liability; to provide a credit to employers who provide approved basic skills education programs to its employees beginning with the 1993 tax year.

H. 70. To establish a program to provide early intervention services for infants and toddlers with disabilities and their families.

H. 44. To provide for the establishment, composition, and powers of the Alabama Agricultural Museum Board.

H. 54. To create a new circuit judgeship in the Sixth Judicial Circuit.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 7. Providing for a special civil cause of action for victims who are injured or suffered loss due to an act committed on them because of their actual or perceived race, religion, national origin, ethnicity, or disability, and providing for treble damages and attorney fees.

H. 45. Transferring certain sections of the Code of Alabama 1975, regarding the crime of child abuse, amending the Code of Alabama 1975 by adding Section 13A-6-26, repealing Sections 26-15-1, 26-15-2, 26-15-3, and 26-15-4, Code of Alabama 1975.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 88. (With Amendment): Providing for an election for a constitutional convention to revise and amend the Constitution of Alabama of 1901.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 94. To amend Section 32-5-192 to provide that hearings provided for in this section by the director or his duly authorized agent shall be held in the county where the licensee was arrested unless the Director of Public Safety and the licensee agree that such hearing may be held in some other county, and to provide for judicial review of the director's action in the circuit court in the county in which the person was arrested.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 9. (With Substitute): Relating to child care and the licensing and regulation of child-care facilities by the Department of Human Resources; to amend Section 38-7-2 of the Code of Alabama 1975, to further provide for the definition of "child" and "child-care facilities" including "transitional living facilities"; and to authorize the Department of Human Resources to purchase and lease property for the operation of transitional living facilities.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 82. To create the Infected Health Care Worker Management Act; to require reporting of an infected health care worker to the State Health Officer; to require an infected health care worker to submit to review by an expert review panel; to authorize the State Health Officer to undertake a review of the practice of an infected health care worker to determine if invasive procedures are performed by the worker; to authorize the creation of expert review panels and provide for their composition and duties; to authorize the State Health Officer to issue restrictions on the practice of the infected health care worker; to provide an appeal process; to authorize the monitoring of the practice of the infected health care worker and to require reporting of violations to the State Health Officer; to provide grounds for revocation, suspension, or restriction of infected health care workers licensed by licensing boards; to require infected health care workers and third parties with records or information to provide records or other information and to cooperate with an investigation; to provide immunity from civil and criminal liability for individuals, agencies, experts, and committees involved in the investigation of an infected health care worker; to create confidentiality standards and to provide for uses of the information gained during an investigation; to authorize promulgation of rules for administration of this act; to enable the State Board of Health to file suit in circuit court to compel compliance; and to provide penalties for violation of this act.

H. 25. To amend Section 26-14-3 of the Code of Alabama 1975, to provide that investigations of reports of suspected child abuse or neglect involving discipline or corporal punishment committed in public or private schools or kindergartens or suspected child abuse or neglect committed in state-operated child residential facilities be investigated by law enforcement agencies, and that all other reports of suspected child abuse and neglect be investigated by the Department of Human Resources; to amend Section 26-14-1 of the Code of Alabama 1975, to revise the definition of child sexual abuse and neglect; and to specify the investigatory authority of the Department of Human Resources in cases involving alleged neglect due to inadequate medical treatment based upon legitimate religious practices.

H. 26. To provide that a defendant who has been adjudged in a paternity proceeding to be the father of a child may, except in the case of adoption, reopen the case upon scientific evidence that the defendant is not the father of the child.

H. 24. To amend Sections 32-7-2, 32-7-8, 32-7-22, and 32-7-27, Code of Alabama 1975, and to repeal Section 32-7-39, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, to increase the proof of financial responsibility, to further provide for the time of suspension of a person's license or operating privilege or the security required, to increase the amount of minimum

coverage of a motor vehicle liability policy, to increase the amount deposited with the State Treasurer, and to delete provisions relating to expenses for administering the Motor Vehicle Safety-Responsibility Act by the Department of Public Safety.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 55. To define disparagement of perishable products or commodities; to provide a cause of action; to provide for recovery; to provide for limitations of actions and civil procedure; and to provide for cumulative effect.

H. 57. To amend Sections 9-11-32 and 9-11-37 Code of Alabama 1975, and Sections 9-11-55 and 9-11-56, Code of Alabama 1975, as amended by Act 93-322 of the 1993 Regular Session, relating to hunting and fishing licenses, to further provide for the license year for certain licenses, the issuance fee for licenses, and to provide for the license fee for certain nonresident freshwater fishing licenses.

H. 74. To amend Sections 2-15-20, 2-15-43, 2-15-60, 2-15-118, 2-15-131, and 2-15-150 of the Code of Alabama 1975, to provide a new definition of live-stock for specified purposes.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 91. To further amend Section 37-3-4, Code of Alabama 1975, amended by Act No. 93-752, H. 311 of the 1993 Regular Session, relating to certain exemptions from the Alabama Motor Carriers Act for certain motor carriers and others to allow certain motor carriers who transport passengers of certain nonprofit groups, organizations, societies, corporations, public institutions, or other organizations with tax exempt status by the federal government pursuant to 26 U.S.C.A. 501(c), to charge lesser rates or tariffs; to require certain filings with the Public Service Commission in the manner prescribed by the commission; and to provide for an effective date.

H. 37. To amend Sections 23-1-20 and 23-1-21, Code of Alabama 1975, to change the name of the State Highway Department to the Department of Transportation and change the title of the Highway Director, to the Director of Transportation.

H. 1. To amend Article 1 of Chapter 1 of Title 8 of the Code of Alabama 1975, to provide for the right of a party paying certain federal manufacturer's taxes under contract to have an option to time payments on the taxes to immediately precede the requirement of the other party to remit the taxes to the Internal Revenue Service; to provide a method for exercising the option; to provide for a right to security under contracts for payment of the taxes; to provide for applicability to certain contracts; and to provide for an effective date.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 10. (With Amendment): To prohibit any person from possessing, without authority, any state, county, or municipal traffic sign; and to provide penalties; to make this act supplemental to any other law not in conflict.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 49. (With Substitute): To amend Section 13A-7-23.1, Code of Alabama 1975, as amended by Act No. 93-770, H. 367, 1993 Regular Session, to provide further for procedures for the lawful preservation, restoration, or relocation of any tomb, monument, structure, or human remains.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 62. To amend Section 22-30B-2, Code of Alabama 1975, as amended by Act 92-658, H. 76, 1992 Second Special Session (1992 Second Special Session Acts, p. 32), relating to hazardous waste and hazardous substance disposal fees; to exempt from the payment of those fees any hazardous waste or substances collected or removed by any governmental entity or agency or party performing those services pursuant to a contract with any governmental entity or agency, and any hazardous waste or substances collected or removed during any amnesty program authorized by the Alabama Department of Environmental Management.

H. 76. To amend Section 11-88-6, Code of Alabama 1975, to further provide for the membership on the board of directors of an authority organized in a

county pursuant to Chapter 88, Title 11, Code of Alabama 1975, to provide water service, sewer service, and fire protection service when a majority of the inhabitants of the service area is or has been incorporated or annexed into a Class 8 municipality.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 22. Relating to the Twenty-ninth Judicial Circuit of Alabama by authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

H. 4. Relating to Escambia County, authorizing the sheriff to operate a jail store, contract telephone installation for inmates, and contract housing for federal, municipal, and county prisoners other than Escambia County prisoners; providing for the deposit of moneys earned and for the distribution and auditing of monies earned; and providing for a retroactive effective date.

H. 6. To amend Section 1 of Act No. 90-394, H. 799 of the 1990 Regular Session (Acts 1990, p. 550), to provide further for the salary of the Sheriff of Dale County.

H. 11. Relating to the City of Tuskegee, to amend Sections 4, 5, and 6 of Act No. 79-231, H. 660, 1979 Regular Session (Acts 1979, p. 356), to revise the procedure for abating a nuisance; to require the city to post and maintain an account of the cost of abating the nuisance on the property where the work is done, submit an itemized report to the city council, and post notice of the report at city hall; and to provide that the assessment of costs for demolishing buildings and structures by the city shall constitute a lien on the property to be charged with the collection of taxes or assessments.

H. 12. Relating to Clarke County; providing that all expense allowances now provided to the Sheriff of Clarke County shall become salary commencing with the next term of office.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 13. (With Amendment): Relating to Washington County, to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 42. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Leesburg in Cherokee County.

H. 43. Relating to Macon County; creating a Macon County Economic Development Authority and providing for the composition, terms, duties, functions, powers, and personnel of the authority.

H. 51. Relating to Lamar County; authorizing the county commission to maintain driveways for schools, churches, and church-owned cemeteries, and school bus turnarounds located within the county.

H. 66. To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Covington County.

H. 67. Proposing an amendment to the Constitution of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in Covington County.

The above bill was read a second time at length as required by the Constitution.

H. 68. Relating to Blount County; providing for the distribution of certain funds by the Board of Directors of Blount Memorial.

H. 71. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of McKenzie in Butler County.

H. 72. Relating to Limestone County; authorizing the Limestone County Commission to regulate advertisement signs on the right-of-way of the county; to provide penalties for violations; and to provide that any municipality in Limestone County may regulate advertisement signs along streets and roads in the municipality.

H. 75. Relating to Baldwin County; creating and establishing a personnel merit system; providing for personnel rules, principles, and organization; establishing a personnel department; establishing an appeals board and its membership; providing for classes of employment; and providing that county employees on April 21, 1993, under certain conditions shall be classified employees.

H. 77. Relating to Baldwin County; to provide for the regulation by the county commission of the construction setback from any county or state public road or highway; and to provide for appeals and exceptions.

H. 89. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Prattville in Autauga County.

Representative Petelos, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 50. (With Amendment): To alter, rearrange, and extend the boundary lines and corporate limits of the City of Midfield in Jefferson County.

Representative Petelos, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 52. Prescribing procedures for converting prior service to creditable service in the General Retirement System for Employees of Jefferson County as established by Act No. 497 of the 1965 Regular Session of the Legislature, providing for payment for converting the prior service, and providing for a delayed effective date.

H. 41. To authorize the county commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax district subject to the jurisdiction and control of the Hoover City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.39 on each one hundred dollars (13.9 mills on each dollar) of assessed value.

H. 40. To authorize the county commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax district subject to the jurisdiction and control of the Vestavia Hills City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.51 on each one hundred dollars (15.1 mills on each dollar) of assessed value.

H. 60. Relating to the following part of Jefferson County: The school tax district in Jefferson County known as the Tarrant City School District and consisting of all of that part of Jefferson County within the corporate limits of the City of Tarrant, Alabama (The "Tarrant School District"); approving an increase of the five and two-tenths mill district ad valorem school tax levied in the Tarrant School District pursuant to Amendments No. 3, No. 325, and No. 373 to the Constitution of Alabama of 1901, by six mills to eleven and two-tenths mills, all in accordance with Amendment No. 373 to the Alabama Constitution; such additional six mill tax to be levied and collected by the governing body of Jefferson County for each year beginning with the levy for the tax year October 1, 1994, to September 30, 1995 (the tax for which year will be due and payable October 1, 1995) or such later year for which the required electorate approval may be obtained for the earliest possible levy and collection, and ending with the levy for the tax year October 1, 2020, to September 30, 2021 (the tax for which year will be due and payable October 1, 2021), for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the Tarrant School District at a special election called and held in accordance with the law governing special elections.

H. 59. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Homewood, in Jefferson County.

H. 64. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Homewood in Jefferson County.

Representative Zoghby, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 29. Relating to Mobile County; to exempt the Mobile Arts and Sport Association from the payment of all county and municipal sales and use taxes.

Representative Zoghby, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 90. (With Substitute): Relating to the City of Wilmer in Mobile County, Alabama, by providing for a referendum election on the question of dissolution of the City of Wilmer, and for disposition of certain city services including radio communication should the voters elect to dissolve the city.

Representative Hall, Chairperson of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 19. (With Substitute): Relating to Madison County; authorizing the county to provide for the cremation of indigent persons under certain circumstances.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Campbell and Box:

H. 95. Providing for the imposition of additional penalties on a person committing a crime and motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or disability.

COMMITTEE ON JUDICIARY

By Representative Spratt:

H. 96. To exempt Birmingham Summerfest, Incorporated, from all state, county, and municipal excise, license, and sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Spratt:

H. 97. To exempt the Birmingham Civil Rights Institute, from all state, county, and municipal excise, license, and sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Powell:

H. 98. To provide for the purchase of credit under the Employees' Retirement System of Alabama by active and contributing members of the system for employment as a temporary state employee, to further provide a method of payment where the member pays the total cost of the credit, and to provide for termination.

COMMITTEE ON WAYS AND MEANS

By Representative Butler (With Notice and Proof):

H. 99. Relating to Madison County; to amend Sections 2 and 5 of Act No. 84-489, H. 700 of the 1984 Regular Session (Acts 1984, p. 1108) by expanding the weapon and devices which may be subject to forfeiture and provide for the

allocation of a percentage of the proceed from the sale of seized weapon or device to the law enforcement.

COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 99, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Zoghby, Buskey, and Kennedy (With Notice and Proof):

H. 100. To alter, rearrange, and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory to the City, to-wit: as described herein, the Mobile Municipal Airport and certain areas surrounding the same; to provide for certain city ad valorem tax exemptions; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 100, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Kvalheim, Gaston, Black (M), and Gaines:

H. 101. To provide that in consumer credit transactions an individual, corporation, general partnership, limited partnership, limited liability company, or nominee who is the holder of a purchase money mortgage or vendor's lien secured by residential real estate or who is the assignee of a purchase money mortgage or vendor's lien secured by residential real estate is not to be considered a creditor.

COMMITTEE ON BANKING

By Representative Knight (J) (With Notice and Proof):

H. 102. Relating to Montgomery County; providing an expense allowance for the sheriff of Montgomery County; providing for an expiration date thereof; providing for an adjustment in said compensation; providing manner in which compensation shall be paid and provides for enactment date.

COMMITTEE ON LOCAL LEGISLATION NO. 5

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 102, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

RESOLUTION

The following resolution was introduced:

By Representative Holley:

H.R. 42. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO HOUSE BILL 27 INTRODUCED IN THE 1993 FIRST SPECIAL SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and the Associate Justices of the Supreme Court, or a majority of them to give this body their written opinion on the following important constitutional questions which have arisen concerning the pending bill, House Bill 27, a copy of which is attached to this resolution and made a part hereof by reference:

(1) Title 40, Chapter 18 of the Code of Alabama 1975, levies an individual income tax at the graduated highest rate of 5%. House Bill 27 provides that certain businesses may elect to withhold and retain a job development fee in an amount not to exceed 5% of gross wages paid to each employee by the company (p. 18). Is this provision a violation of Amendment No. 25 which provides that the Legislature shall have the power to levy and collect taxes for state purposes on net incomes..., provided that the rate shall not exceed 5 percent...?

(2) Do the sections of this bill granting the power to levy a job development fee to certain approved companies violate Section 212 (Power to levy taxes not to be delegated) of the Alabama Constitution?

(3) Do the income tax credit provisions of this bill, which will result in a loss of revenue earmarked for the Alabama Special Educational Trust Fund of an amount equal to the Job Development Fee and other corporate income tax credits violate the constitutional mandates of Alabama Constitution, Article XIV and Section 256; Article I, Sections 1, 6, 13 and 22; as such provisions have been interpreted by the Montgomery Circuit Court in CV 90-883 R (Equity Funding Case).

MOTION TO SUSPEND RULES AND ADOPT OFFERED

Representative Holley offered the motion to suspend the rules and adopt the resolution, H.R. 42.

DIVISION OF THE QUESTION

Representative Holmes called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Holley to suspend the rules in order to take up for immediate consideration the resolution, H.R. 42, and the motion was lost.

Yeas 25; Nays 39.

Yea:

Representatives Blakeney, Box, Bryant, Carothers, Crow, Dolbare, Gullatt, Hamilton, Harper, Higginbotham, Hogan, Holladay, Holley, Hooper, Johnson, Letson, Mikell, Parker (P), Penry, Richardson, Turnham, Venable, Walker, Williams and Willis.

-25

Nay:

Representatives Black (M), Burke, Buskey, Butler, Carns, Collins, Cosby, Cullins, Curry, Ford, Gaines, Gaston, Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Holmes, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, McClain, McKee, Morton, Newton (C), Newton (D), Parker (T), Perdue, Petelos, Powell, Rockhold, Sanderford, Sanderson, Spratt and Zoghby.

-39

The resolution, H.R. 42, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators: Denton, Hale, and Langford.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 3. INVITATION FOR JOINT ADDRESS.

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators: Windom, Underwood, and Escott-Russell.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 19. COMMENDING FORMER FIRE CHIEF G. A. MITCHELL OF OPELIKA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

H.J.R. 26. MOURNING THE DEATH OF MRS. JUNE BUGG OF GADSDEN, ALABAMA.

Also:

H.J.R. 27. COMMENDING DR. VICTOR B. FICKER FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 28. NAMING THE "JO ANN ARLEDGE CENTER FOR ADULT LEARNERS" AT GADSDEN STATE COMMUNITY COLLEGE"

Also:

H.J.R. 31. MOURNING THE DEATH OF COUNCILWOMAN EDYTHE J. SIMS, OF TALLADEGA, ALABAMA.

Also:

H.J.R. 32. RELATIVE TO MEETING DAYS

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 6. COMMENDING JANE ORR AND JULIE REYNOLDS OF HARTSELLE, ALABAMA.

Also:

H.J.R. 7. COMMENDING DYSHAUN GABRON MUHAMMAD OF MADISON COUNTY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 8. COMMENDING THE UNIVERSITY OF ALABAMA-HUNTSVILLE ON THE CONCRETE CANOE NATIONAL CHAMPIONSHIP.

Also:

H.J.R. 10. COMMENDING JULIE MICHELLE JOHNSON OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 16. HONORING TOMMIE AGEE FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 18. COMMENDING INSTRUCTOR REX MAYFIELD AND HIS AGRIBUSINESS CLASS AT RUSSELLVILLE HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE
Secretary

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Holmes:

H.R. 43. COMMENDING PRESIDENT CLINTON ON THE PASSAGE OF HIS ECONOMIC DEFICIT TAX PLAN.

Also:

The following resolution was introduced:

By Representative Holmes:

H.R. 44. RELATIVE TO CAMPAIGN FUNDS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, that we encourage all candidates to refund campaign contributions taken since the 1990 election and that said candidates raise and disburse funds under any new law that might be passed by the Alabama Legislature in the first special session of 1993 or any session thereafter before the 1994 election.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Holmes to suspend the rules and adopt the resolution, H.R. 44, was lost, lacking a four-fifths vote.

Yeas 37; Nays 15.

Yea:

Representatives Black (M), Blakeney, Burke, Buskey, Butler, Carns, Cullins,

Curry, Dolbare, Gaines, Gaston, Hamilton, Holmes, Hooper, Johnson, Kennedy, Knight (J), Laird, Letson, McClain, McKee, Mikell, Morton, Newton (D), Parker (P), Parker (T), Petelos, Richardson, Rogers (F), Rogers (J), Sanderson, Smith (C), Spratt, Turnham, Venable, Walker and Zoghby.

-37

Nay:

Mr. Speaker, Bryant, Carter, Collins, Crow, Ford, Hammett, Harvey, Higginbotham, Hill, Hilliard, Hogan, Morrow, Penry and Willis.

-15

The resolution, H.R. 44, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Carothers and Beasley:

H.R. 45. COMMENDING CHARLEY MCCALL OF DOTHAN, ALABAMA, OUTSTANDING HUMANITARIAN.

Also:

The following resolutions were introduced:

By Representatives Carothers and Beasley:

H.J.R. 46. COMMENDING CHARLEY MCCALL OF DOTHAN, ALABAMA, OUTSTANDING HUMANITARIAN.

WHEREAS, the Alabama House of Representatives notes the extraordinary achievements of citizens throughout the State of Alabama and, from time to time, singles out those who excel in their profession, civic endeavors, athletics, or religious life; but no one has the notable distinctions of Mr. Charley McCall of Dothan, Alabama; and

WHEREAS, Coach Charley McCall, retired football coach of Dothan High School, holds the enviable record of most gifts of winning to opponents, and served a sterling example of charity and humility for his football squad, although he was sincerely an outstanding coach of young men; and

WHEREAS, Charley McCall is the epitome of the long-suffering servant, having endured several years as President of the Wilbur Walton Men's Bible Class at the First Methodist Church, and he was able to bring Christian leadership to wretches sorely in need of his values, high principles, and numerous examples in his personal life of the "Good Samaritan"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, that we do highly extol Mr. Charley McCall and his outstanding sterling humanitarian deeds, too numerous to list here, but inspirational examples of the "Gospel lived," for which we thank and commend him and share a copy of this resolution so that he may know of our high admiration and esteem.

On motion of Representative Carothers, the rules were suspended and the resolution, H.J.R. 46, was adopted.

Also:

By Representative Haynes:

H.J.R. 47. COMMENDING THE RACING CITY ALL-STARS LITTLE LEAGUE 1993 CHAMPIONSHIP TEAM.

WHEREAS, the Alabama Legislature notes that the Racing City All-Stars Little League captured the Boys 12-year-old championship and brought the state championship Little League tournament to the City of Talladega for the first time in 40 years; and

WHEREAS, in capturing the state title the Racing City All-Stars entered the tournament as underdogs, but slugged it out with playoff wins of 16-6 over Northern and 7-5 over Jackson to earn a chance for the championship game and represent the State of Alabama in the regional game for the 12-year-old All-Stars in St. Petersburg, Florida, against Georgia, after the Southern Regional title; and

WHEREAS, Matt Burgess and Tony Hickman of the Racing City All-Stars sparked the team to an eight hits team total behind the brilliant pitching of Bitrell Terrell who completed the game with seven strikeouts while walking only one and giving up only six hits; and

WHEREAS, the outstanding coaching abilities of Coaches Randy Cochran and Terry Brasher, and the athletic skills of Kendal Butler, Jarod Cooley, Terrance Hartley, Tony Hickman, Nick King, Jimmy Stone, Lavis Evans, Joey Carlisle, Glen Shadrick, Mel Kiker, Jonathan Harry, Bitrell Terrell, Matt Burgess, Paul Mitchell, Barry Cooley, and Jonathan Thompson, accomplished amazing feats throughout the season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend the Racing City All-Stars Boys Little League in the 12-year old division and their coaches, and extend our heartiest congratulations on their outstanding season and championship wins and wish for them every success in their future endeavors, and provide a copy of this resolution for appropriate presentation and display.

On motion of Representative Haynes, the rules were suspended and the resolution, H.J.R. 47, was adopted.

Also:

By Representative Haynes:

H.J.R. 48. COMMENDING TALLEDEGA'S 13-15-YEAR-OLD GIRLS SOFTBALL TEAM AS DISTRICT 4 LITTLE LEAGUE SOFTBALL CHAMPIONS.

WHEREAS, in consensus of commendation, the Alabama Legislature most heartily congratulates Talladega's 13-15-year-old District 4 Girls Softball Team on their Little League Softball State Championship; and

WHEREAS, under the capable leadership and direction of manager, Johnny Stewart and coach Mac Stephens, the 'Dega girls posted an impressive 21-6 win over Sylacauga on July 16, 1993; and

WHEREAS, members of the championship team are Merri Beth Burlerson, Kristen Campbell, Jessica Allen, Brandi Stephens, Carri Stewart, Tana Stephens, Carrie Harkins, Brook Paris, Monica Garrett, Carly Wilkerson, Carey Elmore, Rosa Rowland, Tina Lewis, Lillian Curry, and Crystal Brown; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate Talladega's 13-15-year-old District 4 Girls Softball Team as Little League Softball Champions, and direct that copies of this resolution be provided for manager, Johnny Stewart and coach Mac Stephens for appropriate presentation and school display.

On motion of Representative Haynes, the rules were suspended and the resolution, H.J.R. 48, was adopted.

Also:

By Representative Haynes:

H.J.R. 49. COMMENDING TALLADEGA'S 11-12-YEAR-OLD GIRLS SOFTBALL TEAM ON THEIR DISTRICT 4 LITTLE LEAGUE SOFTBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates Talladega's 11-12-year-old District 4 Girls Softball Team as State Champions of Little League Softball; and

WHEREAS, ably led by team manager, Greg Williams and Coach Shirley Hamer, the 'Dega girls posted a fantastic 31-6 win over Sylacauga on July 16, 1993; and

WHEREAS, greatly contributing to this spectacular team effort were members: Tiffany Wright, Jennifer Barclay, Tara Bean, Aisha Millender, Cloris Grant, Ashley Parker, Lesli McCardle, Jennifer Trammell, Kristie Ponder, Darea Whitson, Cera Fields, Erin Hamer, Brandi Irvin, and Shaqonia Barclay; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and as State Champions of Little League Softball, we hereby most heartily commend and congratulate Talladega's 11-12-year-old District 4 Girls Softball Team, and direct that copies of this resolution be provided for manager, Greg Williams and Coach Shirley Hamer for appropriate presentation and school display.

On motion of Representative Haynes, the rules were suspended and the resolution, H.J.R. 49, was adopted.

Also:

By Representatives Smith (C), Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 50. RECOGNIZING THE ALABAMA FORESTRY ASSOCIATION AND THE ALABAMA FORESTRY COMMUNITY FOR THEIR GENEROUS CONTRIBUTIONS TO "LOG A LOAD FOR KIDS '93."

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes the Alabama Forestry Association and the many others in the Alabama forestry community for their generous contributions to the success of the 1993 "Log a Load for Kids" campaign; and

WHEREAS, "Log a Load for Kids" is an annual statewide event sponsored by the Alabama Forestry Association whereby loggers and others in forestry donate the value of loads of logs, about \$300, to benefit Alabama children's hospitals; and

WHEREAS, in this year's campaign, by way of the Children's Miracle Network Telethon, over \$145,800 was collected, a record amount among the seven "Log a Load for Kids" states, and indeed a tribute to the hundreds of Alabama loggers, landowners, foresters, manufacturers, suppliers, and others in forestry, whose gifts mean so much to the health and well being of Alabama's future generations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Alabama Forestry Association and the hundreds of other contributors of the forestry community for their generous support of "Log a Load for Kids 1993".

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for the Alabama Forestry Association that they may know of our sincere appreciation and praise for their endeavors.

On motion of Representative Smith (C), the rules were suspended and the resolution, H.J.R. 50, was adopted.

Also:

By Representatives Williams, Carothers, Mathis, Beasley, Holley, Hammett and Flowers:

H.J.R. 51. RECOGNIZING TROY STATE UNIVERSITY AT DOTHAN ON SIX CONSECUTIVE YEARS OF GROWTH AND PROGRESS.

WHEREAS, the enrollment at Troy State University at Dothan (TSUD) has increased for each of twenty-four consecutive quarters over the enrollment for the same quarter during the previous year; and

WHEREAS, during this six-year period of growth, TSUD's annual enrollment has increased by 44%; and

WHEREAS, TSUD's full-time faculty has grown by 22%, with 88% of the full-

time faculty holding earned doctorates, the highest percentage in any state-supported college or university in the State of Alabama; and

WHEREAS, with the growth in students, faculty, and staff, TSUD continues to play a major role in the economic growth and development of the Wiregrass region; and

WHEREAS, TSUD's move to a new 250-acre campus in June 1990 demonstrates TSUD's commitment to providing quality facilities to house its programs and services; and

WHEREAS, TSUD has expanded its programs and services by making them available to the citizens of the Wiregrass region through traditional classroom instruction during the day and evening, and through the flexible delivery systems and schedule formats of weekends, telecourses, and interim sessions; and

WHEREAS, in order to meet the needs of individuals and business and industry, TSUD has established a continuing education center at Northside Mall in Dothan; and

WHEREAS, TSUD has developed cooperative agreements with other Alabama institutions to provide cost-effective educational opportunities for Wiregrass citizens; and

WHEREAS, Dr. Thomas Harrison, President of TSUD, and his staff are to be commended for visionary leadership, innovative programs and delivery systems, a dedicated, hard-working faculty and staff, and on the caliber and intrinsic responsibility of the student body; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognized with highest commendation the six years of consecutive growth, the expansion of programs and services, and the excellent educational opportunities available at Troy State university at Dothan, and do further direct that a copy of this resolution be presented to Dr. Thomas Harrison, President, on behalf of TSUD's faculty, staff and students.

On motion of Representative Williams, the rules were suspended and the resolution, H.J.R. 51, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Penry and McMillan:

H.R. 52. COMMENDING PAUL D. STRICKLAND, JR., RECIPIENT OF THE 1993 HOSPITAL TRUSTEE OF THE YEAR AWARD.

Also:

The following resolution was introduced:

By Representatives Penry and McMillan:

H.J.R. 53. COMMENDING PAUL D. STRICKLAND, JR., RECIPIENT OF THE 1993 HOSPITAL TRUSTEE OF THE YEAR AWARD.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Paul D. Strickland, Jr., recipient of the 1993 Hospital Trustee of the Year Award by the Alabama Hospital Association, for his many contributions to Thomas Hospital and to the health care industry; and

WHEREAS, Paul Strickland, who was instrumental in the founding of Thomas Hospital, has played a vital and significant role in its affairs over the past 37 years, demonstrating unyielding dedication and commitment to the hospital, and to providing the highest quality in care and services for area citizens; and

WHEREAS, as a member of countless committees, and in such leadership positions as an original and sustaining member of the board of directors, chairman of the finance committee, and longtime treasurer of the board, Mr. Strickland has impacted greatly upon the growth and development of Thomas Hospital, so that today it is a highly regarded institution of major consequence in health care for the citizens of Baldwin County; and

WHEREAS, Mr. Strickland has also served as a charter member of the Grand Summer Ball, which, since its inception, has raised over \$400,000 for the hospital, and as an active member of Shear Trust, which donates funds to the hospital for cardiac related expenditures, and the annual Polo at the Point event which raises funds for cancer research; he further is active in community affairs as a member of the board of Colonial Bank since 1983, among other endeavors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That as 1993 Trustee of the Year, and in recognition of outstanding contributions and service to Thomas Hospital, the Eastern Shore community of Baldwin County, and the health care industry in our state, we hereby most highly commend Paul D. Strickland, Jr., for whom a copy of this resolution of sincere tribute shall be provided.

On motion of Representative Penry, the rules were suspended and the resolution, H.J.R. 53, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Black (L):

H.R. 54. COMMENDING MRS. MARY RUTH PATTON DELAINE UPON THE OCCASION OF HER RETIREMENT.

Also:

The following resolutions were introduced:

By Representatives Kvalheim, Rockhold and Gaston:

H.J.R. 55. MOURNING THE DEATH OF WILLIAM H. "WAXEY" BASSETT OF MOBILE, ALABAMA.

WHEREAS, it is with deep and abiding sorrow that the Legislature of Alabama records the death of William H. "Waxey" Bassett of Mobile, Alabama, on July 26, 1993; and

WHEREAS, Mr. Bassett was retired from TAM Medical in Mobile, where he had served as vice president and secretary, and was an active member of Central Presbyterian Church and Athelston Lodge No. 369, F. & A.M.; and

WHEREAS, the lamentable death of William H. "Waxey" Bassett has indeed left an unfathomable void in the life of his community, and in the hearts of his beloved family and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of William H. Bassett, and extend deepest sympathy to his devoted wife, Jean O'Gwynn Bassett; daughter, Barbara Bassett; son, William Howard "Doc" Bassett, Jr.; granddaughters, Laurin Emily Galdis and Julia Allyn Galdis; and to other family members, for whom a copy of this resolution shall be provided.

On motion of Representative Kvalheim, the rules were suspended and the resolution, H.J.R. 55, was adopted.

Also:

By Representatives Kvalheim and Gaston:

H.J.R. 56. COMMENDING MOBILE RESTAURANTEUR, JACK SMITH ON HIS RETIREMENT.

WHEREAS, Jack Smith of Mobile, Alabama, recently retired from the restaurant business after a career of 35 years; and

WHEREAS, the Iowa native majored in retail and advertising at Northwestern University in Evanston, Illinois, and worked at Marshall Fields' Department Store in Evanston before pursuing his career with McDonald's; and

WHEREAS, Smith met McDonald's founder Ray Kroc in McDonald's headquarters in Chicago in 1958 after observing the phenomenal success of the restaurant in Evanston opened his first McDonald's in Orlando, Florida in 1959; and

WHEREAS, Smith eventually acquired eight McDonald's franchises in the Mobile area, managing 475 part and full-time employees; and

WHEREAS, the pride and enthusiasm Smith had for his stores earned him a reputation among his industry peers for going first-class with modern landscaping, design, and furnishings; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate the Mobile Burger Barron, Jack Smith, for his distinguished career with McDonald's and wish him the best in his retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to Jack Smith so that he will know of our appreciation.

On motion of Representative Kvalheim, the rules were suspended and the resolution, H.J.R. 56, was adopted.

Also:

By Representatives Kvalheim and Gaston:

H.J.R. 57. HONORING T. MASSEY BEDSOLE OF MOBILE, ALABAMA.

WHEREAS, it is with highest commendation that the Alabama Legislature notes the selection of T. Massey Bedsole as Distinguished Alumnus by the University of Alabama's National Alumni Association; and

WHEREAS, T. Massey Bedsole, a native of Mobile, Alabama, and a senior partner in the prestigious law firm of Hand, Arendall, Bedsole, Greaves and Johnston, earned both his bachelor's and law degrees from Alabama; and

WHEREAS, a member of the university's board of trustees from 1979 to 1988, he currently serves as a trustee emeritus and as a member of the president's cabinet; he has further served as a member of the advisory council of the School of Social Work, is an active supporter of the UA School Foundation and a charter member of the Farrah Law Society, and was instrumental in providing the largest gift to the Law School's Law Center building campaign; and

WHEREAS, Mr. Bedsole, who is the recipient also of the Distinguished Law School Alumni Award, is an active member of both the Mobile and UA National Alumni Associations, and the Mobile County and American Bar Associations, has served as director of several corporations, and is a supporting member of numerous civic and service organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon his selection as Distinguished Alumnus by the University of Alabama's National Alumni Association, we hereby most highly commend T. Massey Bedsole of Mobile, Alabama, for whom a copy of this resolution of sincere tribute shall be provided.

On motion of Representative Kvalheim, the rules were suspended and the resolution, H.J.R. 57, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Rockhold, Gullatt, Zoghby, McDowell, Kennedy, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, and Willis:

H.R. 58. HONORING THE MEMORY OF REPRESENTATIVE JUNE MOORE BUGG.

**DEDICATED
TO THE
MEMORY OF
JUNE MOORE BUGG
1919-1993**

**EDUCATOR AND STATESWOMAN
SERVED IN THE HOUSE OF REPRESENTATIVES 1983-1993**

Also:

The following resolution was introduced:

By Representative Hogan:

H.J.R. 59. HONORING MRS. JULIA HONEYCUTT OF JASPER, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

WHEREAS, the Alabama Legislature joins the Jasper, Alabama, community in honoring Mrs. Julia Honeycutt on the momentous occasion of her 100th birthday, August 22, 1993; and

WHEREAS, born August 22, 1893, and a lifelong resident of Walker County, Mrs. Honeycutt is a devoted member of Hunters Chapel Holy Church of Christ in the Union Chapel community of Walker County; and

WHEREAS, Mrs. Honeycutt, who is held in highest regard by the members of her church, and by her many friends and neighbors, is the matriarch of a loving family that includes her two daughters, Stella Kennedy and Della Mann, two grandchildren, six great-grandchildren and five great-great grandchildren; and

WHEREAS, August 22, 1993, is indeed a milestone in the exemplary life of Mrs. Honeycutt, and a very special and joyous event for her family and for the citizens of Jasper, as well as countless others throughout Walker County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Mrs. Julia Honeycutt on the occasion of her 100th birthday, August 22, 1993, and do further direct that she receive a copy of this resolution of sincere esteem, with best wishes for every future happiness in life.

On motion of Representative Hogan, the rules were suspended and the resolution, H.J.R. 59, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hogan:

H.R. 60. HONORING MRS. JULIA HONEYCUTT OF JASPER, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

Also:

The following resolution was introduced:

By Representative Knight (J):

H.J.R. 61. MOURNING THE DEATH OF CHARLES H. CARPENTER.

WHEREAS, Charles H. Carpenter, a native of Newark, New Jersey, a 1929 graduate of New York State College of Forestry at Syracuse University, and a master's degree recipient in wood technology from the same school, met death in his sleep early on July 24, 1993; and

WHEREAS, Mr. Carpenter was known throughout the world in the paper industry because of his discoveries and his work as a consultant; and

WHEREAS, Mr. Carpenter's development of the use of southern pine for newsprint transformed the face of Alabama, the South and other parts of the world; and

WHEREAS, Mr. Carpenter's most noted achievement was his development of a practical method for pitch control in the mechanical pulping of southern pine trees, which was the key to the first successful use of this wood species in making newsprint; and

WHEREAS, Mr. Carpenter's discovery led to forestry's becoming Alabama's principal industry because, until his discovery, newsprint was made almost exclusively from hardwoods in Canada and the North; and

WHEREAS, as a result of Mr. Carpenter's pioneering work, the newsprint manufacturing material base increased dramatically throughout the world, with new pine forests being planted throughout Alabama and the South, as well as in New Zealand, South Africa, Mexico, Brazil and Chile, among other countries; and

WHEREAS, Mr. Carpenter chose sites, arranged for architectural work, hired personnel and selected the equipment for newsprint mills from the MacMillan Bloedel plant at Pine Hill, in Wilcox County, to as far away as the Far East; and

WHEREAS, Mr. Carpenter's technical papers and books that he authored are widely read in the industry, and his most recent monograph was a 100-page technical text, "The History of Mechanical Pulping," which was published originally in 1987 and has since been reprinted; and

WHEREAS, although his work, as well as his activities as a member of numerous industry associations, carried him far and wide, Mr. Carpenter was content to be known in Montgomery as the husband of civic leader and Montgomery School Board President Margaret Carpenter, and to join her in many of the activities in which she was engaged; and

WHEREAS, Charles H. Carpenter was indeed a kind, warm and caring gentleman, as well as a dedicated scholar, who was highly respected by all those who knew him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life of Charles H. Carpenter, and direct that a copy of this resolution be presented to his devoted wife, Dr. Margaret Carpenter, as an expression of our sincere sympathy and in gratitude for his dedication and commitment to the newsprint industry, especially in the State of Alabama.

On motion of Representative Knight (J), the rules were suspended and the resolution, H.J.R. 61, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Knight (J):

H.R. 62. MOURNING THE DEATH OF CHARLES H. CARPENTER.

Also:

By Representative Kvalheim:

H.R. 63. HONORING T. MASSEY BEDSOLE OF MOBILE, ALABAMA.

Also:

By Representatives Kvalheim and Rockhold:

H.R. 64. MOURNING THE DEATH OF WILLIAM H. "WAXEY" BASSETT OF MOBILE, ALABAMA.

Also:

By Representative Butler:

H.R. 65. MOURNING THE DEATH OF MR. JAMES R. HARTLEY, SR. OF MADISON COUNTY, ALABAMA.

Also:

By Representative Blakeney:

H.R. 66. CONGRATULATING MR. AND MRS. OLIVER P. CHESTNUT, SR., ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Representative Smith (C):

H.R. 67. CONGRATULATING MR. JOE SMITH OF CLANTON, ALABAMA, ON HIS 80TH BIRTHDAY, JULY 30, 1993.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 5. COMMENDING FRANK ROGERS OF JEFFERSON COUNTY, ALABAMA, ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

Also:

H.J.R. 9. EXPRESSING DISAPPROVAL OF THE ATTEMPTED PLACEMENT OF ENROLLMENT LIMITS ON INSTITUTIONS OF HIGHER LEARNING BY THE ALABAMA COMMISSION ON HIGHER EDUCATION.

Also:

H.J.R. 11. COMMENDING STUART LEE SHAW OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 12. COMMENDING WILTON SANDERS WRIGHT OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 13. COMMENDING HAYLEY ANN HAMMOCK OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 14. HONORING MYRA WALLACE FOR OUTSTANDING SERVICE TO THE RETIRED SENIOR VOLUNTEER PROGRAM IN LAUDERDALE COUNTY.

Also:

H.J.R. 15. CREATING THE CONTINUING STATE CONSTITUTION REVISION STUDY COMMITTEE.

Also:

H.J.R. 17. MOURNING THE DEATH OF DAVEY ALLISON OF HUEYTOWN, ALABAMA.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 20. COMMENDING GARY W. FUCHS OF OPELIKA, ALABAMA.

Also:

H.J.R. 21. COMMENDING JACK F. MOORE OF OPELIKA, ALABAMA, FOR DISTINGUISHED COMMUNITY SERVICE.

Also:

H.J.R. 23. MOURNING THE DEATH OF M. G. TANNER OF THEODORE, ALABAMA.

Also:

H.J.R. 24. COMMENDING TUSCALOOSA CITY COUNCIL PRESIDENT BILL LANFORD FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

Also:

H.J.R. 30. CREATING A JOINT INTERIM LEGISLATIVE STUDY COMMITTEE TO EVALUATE UNMET NEEDS OF CAREGIVERS AND VICTIMS OF ALZHEIMER'S DISEASE AND RELATED DISORDERS.

McDOWELL LEE
Secretary

ADJOURNMENT

On motion of Representative Burke and pursuant to the resolution, H.R. 41, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Wednesday, August 18, 1993.

THIRD DAY

**House of Representatives
Montgomery, Alabama
Wednesday, August 18, 1993**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Roger Parks, Heritage Baptist Church, Prattville, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Katie Colquett, 7th Grade, St. James School, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the second legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the second legislative day was approved.

BILLS ON SECOND READING

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 95. Providing for the imposition of additional penalties on a person committing a crime and motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or disability.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 63. (With Substitute): To amend Sections 32-5A-191 and 33-5-24, Code of Alabama 1975, by providing that a person may not operate a motor vehicle or vessel, or manipulate any water skis or aquaplane while there is 0.08 percent or more by weight of alcohol in his or her blood.

Representative Zoghby, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 100. (With Amendment): To alter, rearrange, and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory to the City, to-wit: as described herein, the Mobile Municipal Airport and certain areas surrounding the same; to provide for certain

city ad valorem tax exemptions; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

Representative Hall, Chairperson of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 99. Relating to Madison County; to amend Sections 2 and 5 of Act No. 84-489, H. 700 of the 1984 Regular Session (Acts 1984, p. 1108) by expanding the weapon and devices which may be subject to forfeiture and provide for the allocation of a percentage of the proceed from the sale of seized weapon or device to the law enforcement.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 46. Relating to compensation for the Houston County Commission; converting the existing expense allowance to salary compensation commencing with the next term of office.

H. 47. Relating to Houston County; providing for the establishment of an employee incentive program for certain Houston County employees.

H. 56. Relating to Houston County; providing further for the compensation of the members of the board of registrars.

Representative Walker, Chairperson of the Standing Committee on Local Legislation No. 5, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 102. Relating to Montgomery County; providing an expense allowance for the sheriff of Montgomery County; providing for an expiration date thereof; providing for an adjustment in said compensation; providing manner in which compensation shall be paid and provides for enactment date.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 39. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Fort Payne in DeKalb County.

Representative Petelos, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 48. (With Substitute): Relating to Class 1 municipalities; providing, subject to voter approval, for the election of the city board of education from nine single-member districts.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Hooper:

H. 103. To authorize the director of finance to establish by October 1, 1994, a state employee injury compensation program and amend Sections 41-9-62 and 41-9-68, Code of Alabama 1975, which currently make the board of adjustment the exclusive remedy for state employees who are injured while at work.

COMMITTEE ON COMMERCE, TRANSPORTATION AND UTILITIES

By Representative Harper:

H. 104. To amend and reenact Act No. 93-479, H. 335 of the 1993 Regular Session, which act provides a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems, for the funding of the increase, and that no person shall be entitled to receive the increase in benefits granted in the act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits, to provide for the adjustment of the survivor allowance of those eligible retirees that selected a monthly survivor allowance payable at death to designated beneficiaries.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 105. Amending Sections 36-27-23 and 36-27-25, Code of Alabama 1975, to provide further for the Board of Control and the management of the Employees' Retirement System.

COMMITTEE ON WAYS AND MEANS

RESOLUTIONS

The following resolutions were introduced:

By Representative White:

H.J.R. 68. NAMING CERTAIN ROADS IN ESCAMBIA COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of the memory of Melvin McBride, the road in Escambia County leading to the settlement houses built by Melvin McBride which road runs West off the road South of Pollard which runs to the Conecuh River, is named and designated as "McBride Circle," and the area where the four houses comprising the settlement are located is named and designated as the "McBride Settlement."

BE IT FURTHER RESOLVED, That County Road 18 in Escambia County is designated as "Foshee Road."

RESOLVED FURTHER, That the street in the Town of Pollard in Escambia County currently designated as both "Bonifay Street" and "Berkley Street" is designated as "Elizabeth Avenue."

RESOLVED FURTHER, That the proper officials are authorized to erect and maintain appropriate signs and markers designating all of the above.

On motion of Representative White, the rules were suspended and the resolution, H.J.R. 68, was adopted.

Also:

By Representatives McKee and Walker:

H.J.R. 69. EXPRESSING DISAPPROVAL OF THE PURCHASE OF AN ANDRES SERRANO PHOTOGRAPH BY THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

WHEREAS, the University of Alabama in Birmingham has purchased a photograph of a plastic replica of Michelangelo's "Pieta," a statue of Jesus in the arms of his mother Mary, which has been submerged in a tank filled with urine and cow's blood; and

WHEREAS, the photo cost the university \$4,200; and

WHEREAS, the university's student government voted 10-2 in favor of a resolution to condemn the purchase of the photo, but the Faculty Senate voted unanimously to support it, saying that "it is the proper role of the university to examine a wide range of ideas and perspectives"; and

WHEREAS, the photograph is the work of Andres Serrano, the same photographer whose earlier photo titled "Piss Christ" set off a national firestorm because it was subsidized by taxpayers' money through the National Endowment for the Arts: and

WHEREAS, this body vehemently objects to the purchase of this sacrilegious, Anti-Christian, and vulgar photograph, particularly considering that the purchase was made with state funds; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly disapprove of the purchase with state funds of the Andres Serrano photograph by the University of Alabama in Birmingham.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to University President Charles A. McCallum, and the Faculty Senate of the university.

On motion of Representative McKee, the rules were suspended and the resolution, H.J.R. 69, was adopted.

Yeas 60; Nays 12.

Yea:

Representatives Barnes, Beasley, Black (M), Blakeney, Bowling, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Starkey, Turner, Venable, Walker, Warren, Williams and Willis.

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Nay:

Representatives Black (L), Bryant, Buskey, Clark (W), Hall, Kennedy, McClain, McDowell, Newton (D), Perdue, Rogers (J) and Spratt.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

Also:

H.J.R. 6. COMMENDING JANE ORR AND JULIE REYNOLDS OF HARTSELLE, ALABAMA.

Also:

H.J.R. 7. COMMENDING DYSHAUN GABRON MUHAMMAD OF MADISON COUNTY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 8. COMMENDING THE UNIVERSITY OF ALABAMA-HUNTSVILLE ON THE CONCRETE CANOE NATIONAL CHAMPIONSHIP.

Also:

H.J.R. 10. COMMENDING JULIE MICHELLE JOHNSON OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 16. HONORING TOMMIE AGEE FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 3. INVITATION FOR JOINT ADDRESS

Also:

H.J.R. 18. COMMENDING INSTRUCTOR REX MAYFIELD AND HIS AGRIBUSINESS CLASS AT RUSSELLVILLE HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 19. COMMENDING FORMER FIRE CHIEF G. A. MITCHELL OF OPELIKA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

H.J.R. 26. MOURNING THE DEATH OF MRS. JUNE BUGG OF GADSDEN, ALABAMA.

Also:

H.J.R. 27. COMMENDING DR. VICTOR B. FICKER FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 28. NAMING THE "JO ANN ARLEDGE CENTER FOR ADULT LEARNERS" AT GADSDEN STATE COMMUNITY COLLEGE"

Also:

H.J.R. 31. MOURNING THE DEATH OF COUNCILWOMAN EDYTHE J. SIMS, OF TALLADEGA, ALABAMA.

Also:

H.J.R. 32. RELATIVE TO MEETING DAYS

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 20. COMMENDING GARY W. FUCHS OF OPELIKA, ALABAMA.

Also:

H.J.R. 21. COMMENDING JACK F. MOORE OF OPELIKA, ALABAMA, FOR DISTINGUISHED COMMUNITY SERVICE.

Also:

H.J.R. 23. MOURNING THE DEATH OF M. G. TANNER OF THEODORE, ALABAMA.

Also:

H.J.R. 24. COMMENDING TUSCALOOSA CITY COUNCIL PRESIDENT BILL LANFORD FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

Also:

H.J.R. 30. CREATING A JOINT INTERIM LEGISLATIVE STUDY COMMITTEE TO EVALUATE UNMET NEEDS OF CAREGIVERS AND VICTIMS OF ALZHEIMER'S DISEASE AND RELATED DISORDERS.

Also:

H.J.R. 5. COMMENDING FRANK ROGERS OF JEFFERSON COUNTY, ALABAMA, ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

Also:

H.J.R. 9. EXPRESSING DISAPPROVAL OF THE ATTEMPTED PLACEMENT OF ENROLLMENT LIMITS ON INSTITUTIONS OF HIGHER LEARNING BY THE ALABAMA COMMISSION ON HIGHER EDUCATION.

Also:

H.J.R. 11. COMMENDING STUART LEE SHAW OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 12. COMMENDING WILTON SANDERS WRIGHT OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 13. COMMENDING HAYLEY ANN HAMMOCK OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 14. HONORING MYRA WALLACE FOR OUTSTANDING SERVICE TO THE RETIRED SENIOR VOLUNTEER PROGRAM IN LAUDERDALE COUNTY.

Also:

H.J.R. 15. CREATING THE CONTINUING STATE CONSTITUTION
REVISION STUDY COMMITTEE.

Also:

H.J.R. 17. MOURNING THE DEATH OF DAVEY ALLISON OF
HUEYTOWN, ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Carns and Butler intended to vote "Yea" on the adoption of the resolution, H.J.R. 69.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Dial (With Notice and Proof):

S. 30. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Leesburg in Cherokee County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 30, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 30. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Sanders (With Notice and Proof):

S. 31. To amend Section 2 of Act No. 92-472, S. 615, 1992 Regular Session (Acts 1992 p. 943), to provide an expense allowance for the Tax Assessor of Perry County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 31, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 31. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bedsole (With Notice and Proof):

S. 8. To alter, rearrange, and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory to the City, to-wit: as described herein, the Mobile Municipal Airport and certain areas surrounding the same; to provide for certain city ad valorem tax exemptions; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 8, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 8. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bolling (With Notice and Proof):

S. 9. Relating to Lamar County; authorizing the county commission to maintain driveways for schools, churches, and church-owned cemeteries, and school bus turnarounds located within the county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 9, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 9. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchell (With Notice and Proof):

S. 3. To amend Section 1 of Act No. 90-394, H. 799 of the 1990 Regular Session (Acts 1990, p. 550), to provide further for the salary of the sheriff of Dale County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 3, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 3. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Windom (With Notice and Proof):

S. 4. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Dauphin Island in Mobile County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 4, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 4. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator deGraffenried:

S. 33. To create a new circuit judgeship in the Sixth Judicial Circuit.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 33. Ways and Means.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Fuller, the rules were suspended in order to take up out of order the bill, H. 58.

And the bill:

H. 58. To authorize the use of certain non-sectarian voluntary prayer on public property.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 99; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cams, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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CO-SPONSORS ADDED

Representatives Anderson, Black (L), Bowling, Buskey, Cagle, Carothers, Goodwin, Hammett, Hill, Hilliard, Holmes, Kvalheim and Melton were added as co-sponsors to the bill, H. 58.

RESOLUTION

The following resolution was introduced:

By Representatives McMillan, Gaston, Turner, Kennedy, Buskey, Zoghby, Harper, Rockhold, Clark (W), Kvalheim and Penry:

H.J.R. 70. MOURNING THE DEATH OF RICHARD J. KARTZKE OF NEW ORLEANS, LOUISIANA.

WHEREAS, the Legislature of Alabama grievously records the sudden and untimely death of our good friend Richard J. "Rich" Kartzke of New Orleans, Louisiana, who died August 2, 1993, at the age of 47 years; and

WHEREAS, Mr. Kartzke had been the manager of the Mobile Bay project, one of the largest domestic energy projects in the United States, for Exxon Company U.S.A.; and

WHEREAS, Mr. Kartzke was recognized as a leader in his field as an officer of the Alabama/Mississippi Division of the Mid Continent Oil and Gas Association, and he was an active member of the American Petroleum Institute, the Society of Petroleum Engineers, and the American Institute of Mechanical Engineers; and

WHEREAS, under the leadership of Mr. Kartzke, Exxon's Mobile Bay project operated in an environmentally sensitive manner and logged several million hours without a lost time accident; and

WHEREAS, Mr. Kartzke assisted in the development of a community relations policy that resulted in Exxon's contribution of more than a million dollars to Alabama civic and charitable organizations and a policy of priority treatment for local contractors and vendors which created thousands of jobs and the infusion of millions of dollars into the economy of Mobile and the State of Alabama; and

WHEREAS, Mr. Kartzke will long be remembered for the professionalism he displayed in communications with state and local officials; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the tragic death of Richard Kartzke of New Orleans, Louisiana, and direct that copies of this resolution be forwarded to his wife Susan Tennant Kartzke, and to his son, Adam Kartzke.

On motion of Representative McMillan, the rules were suspended and the resolution, H.J.R. 70, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Foshee:

S.J.R. 6. COMMENDING GERALD CRUMPTON FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

By Senators Dial and Mitchem:

S.J.R. 9. ENCOURAGING GOVERNOR FOLSOM TO RELEASE CERTAIN
CONDITIONAL EDUCATIONAL APPROPRIATIONS.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Freeman, the rules were suspended, and the House concurred in and adopted the resolutions, S.J.R. 6 and S.J.R. 9, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Dial, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom:

S.J.R. 7. COMMENDING CLAY COUNTY NATIVE, CHARLES M. "PETE" MATHEWS.

Also:

By Senators Waggoner, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Wilson, and Windom:

S.J.R. 8. DESIGNATING AUGUST 21, 1993, AS "CHARLES BARKLEY DAY" IN ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Laird, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 7, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Hawkins, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 8, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Dixon:

S.J.R. 10. COMMENDING MISS CATHERINE WILLIAMS AS GOVERNOR OF ALABAMA GIRLS STATE.

Also:

By Senator Dixon:

S.J.R. 11. COMMENDING DR. JAMES O. WILLIAMS FOR OUTSTANDING SERVICE TO AUBURN UNIVERSITY AT MONTGOMERY.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Freeman, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 10, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Hooper, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 11, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Bedsole, Figures, Horn, Windom, and Langford:

S.J.R. 13. COMMENDING KALYN EVEL CHAPMAN, MISS ALABAMA.

Also:

By Senator Bolling:

S.J.R. 15. MOURNING THE DEATH OF ROBERT GERALD HESTER OF GUIN, ALABAMA.

Also:

By Senators Owens and Parsons:

S.J.R. 16. DESIGNATING THE BRIDGE IN CHILTON COUNTY ON CHILTON COUNTY ROAD 55 BETWEEN LAY AND MITCHELL DAM, THE "GEORGE D. SMITH BRIDGE."

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Clark (W), the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 13, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Freeman, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 15, the title of which is set out in the foregoing Message from the Senate.

Also:

The resolution, S.J.R. 16, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Knight (J), House Rules 53 and 58 were suspended in order to permit the Standing Committee on Local Legislation No. 5 to meet while the House is in Session.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Waggoner:

S.J.R. 19. RECOGNIZING HOYT HARWELL ON HIS RETIREMENT FROM THE ASSOCIATED PRESS.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hawkins, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 19, the title of which is set out in the foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Clark (W), Buskey, Kennedy, Harper, Turner, Gaston, Kvalheim, Rockhold and Zoghby:

H.R. 71. COMMENDING KALYN EVEL CHAPMAN, MISS ALABAMA.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Freeman, the rules were suspended in order to take up uncontested local bills on the Calendar.

BILLS ON THIRD READING

And the bill:

H. 22. Relating to the Twenty-ninth Judicial Circuit of Alabama by authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Bowling, Butler, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Curry, Drake, Freeman, Gaston, Goodwin, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Holladay, Johnson, Kennedy, Knight (A), Kvalheim, Mathis, McClain, McDowell, McMillan, Melton, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Powell, Rockhold, Rogers (J), Venable, Warren, White, Williams, Willis and Zoghby.

-55

And the bill:

H. 4. Relating to Escambia County, authorizing the sheriff to operate a jail store, contract telephone installation for inmates, and contract housing for federal, municipal, and county prisoners other than Escambia County prisoners; providing for the deposit of moneys earned and for the distribution and auditing of monies earned; and providing for a retroactive effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Bowling, Box, Butler, Carns, Carothers, Clark (W), Clay, Collins, Crow, Curry, Dolbare, Drake, Flowers,

Freeman, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight (A), Kvalheim, Mathis, McClain, McMillan, Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Penry, Perdue, Poole, Powell, Rockhold, Rogers (J), Smith (C), Starkey, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-60

And the bill:

H. 6. To amend Section 1 of Act No. 90-394, H. 799 of the 1990 Regular Session (Acts 1990, p. 550), to provide further for the salary of the Sheriff of Dale County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Bowling, Box, Bryant, Butler, Carns, Carter, Clark (W), Clay, Collins, Crow, Drake, Freeman, Fuller, Hall, Hammett, Harvey, Hawkins, Haynes, Hogan, Holladay, Johnson, Knight (A), Mathis, McClain, Melton, Millican, Morrow, Newton (C), Parker (P), Parker (T), Payne, Powell, Smith (C), Starkey, Turnham, Venable, Williams, Willis and Zoghby.

-43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 11. Relating to the City of Tuskegee, to amend Sections 4, 5, and 6 of Act No. 79-231, H. 660, 1979 Regular Session (Acts 1979, p. 356), to revise the procedure for abating a nuisance; to require the city to post and maintain an account of the cost of abating the nuisance on the property where the work is done, submit an itemized report to the city council, and post notice of the report at city hall; and to provide that the assessment of costs for demolishing buildings and structures by the city shall constitute a lien on the property to be charged with the collection of taxes or assessments.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 1.

Yea:

Representatives Barnes, Beasley, Black (L), Box, Bryant, Buskey, Butler, Carter, Clark (W), Clay, Cullins, Curry, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harvey, Haynes, Hill, Hilliard, Holladay, Holley, Kennedy, Knight (A), Kvalheim, Mathis, McClain, Newton (C), Newton (D), Parker (P), Parker (T), Perdue, Powell, Rockhold, Starkey, Venable and Zoghby.

-40

Nay:

Representative Knight (J).

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 12. Relating to Clarke County; providing that all expense allowances now provided to the Sheriff of Clarke County shall become salary commencing with the next term of office.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Bowling, Box, Bryant, Buskey, Butler, Carter, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Gaston, Goodwin, Gullatt, Harper, Harvey, Haynes, Hill, Hogan, Kennedy, Knight (A), Kvalheim, Mathis, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Poole, Richardson, Rockhold, Smith (C), Starkey, Venable, Warren, Willis and Zoghby.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 13. (With Amendment): Relating to Washington County, to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. 13 on Page 2, Line 14, after the word "collected" by inserting the following language: by the State Department of Revenue

Further amend on Page 2, Line 23, after the word "act" by inserting the following language: , less the actual cost of collection not to exceed five percent (5%).

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Barnes, Black (L), Box, Bryant, Butler, Carns, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Gaston, Goodwin, Gullatt, Hall, Hammett, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight (A), Kvalheim, Mathis, McClain, McDowell, Morton, Parker (P), Parker (T), Payne, Powell, Rogers (J), Sanderson, Smith (C), Starkey, Turner, Venable, Willis and Zoghby.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 13, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Box, Bryant, Butler, Carns, Carter, Clay, Collins, Crow, Dolbare, Drake, Gullatt, Harper, Hill, Hilliard, Hogan, Holladay, Holley, Johnson, Kennedy, Knight (A), Mathis, McClain, McDowell, McMillan, Morton, Newton (D), Payne, Penry, Perdue, Powell, Rogers (J), Smith (C), Spratt, Starkey, Turner, Venable, Willis and Zoghby.

-42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 42 TEMPORARILY CARRIED OVER

On motion of Representative Lindsey, the bill, H. 42, was temporarily carried over.

And the bill:

H. 43. Relating to Macon County; creating a Macon County Economic Development Authority and providing for the composition, terms, duties, functions, powers, and personnel of the authority.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Butler, Carns, Carter, Clay, Collins, Crow, Cullins, Curry, Drake, Freeman, Gaston, Gullatt, Hall, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Johnson, Kennedy, Knight (A), Kvalheim, Layson, McClain, McDaniel, McDowell, Melton, Morrow, Morton, Newton (C), Newton (D),

Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Smith (C), Starkey, Turner, Venable, Willis and Zoghby.

-61

And the bill:

H. 51. Relating to Lamar County; authorizing the county commission to maintain driveways for schools, churches, and church-owned cemeteries, and school bus turnarounds located within the county.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Barnes, Black (L), Box, Bryant, Burke, Butler, Carter, Clay, Collins, Crow, Cullins, Curry, Freeman, Gaston, Hall, Hamilton, Hammett, Harvey, Hawkins, Hill, Hilliard, Hogan, Knight (A), Kvalheim, Layson, McClain, McDowell, Melton, Millican, Morrow, Morton, Newton (D), Parker (P), Payne, Perdue, Powell, Rogers (J), Sanderford, Sanderson, Starkey, Turner and Willis.

-43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 66. To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Covington County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Barnes, Black (L), Box, Bryant, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Dolbare, Freeman, Goodwin, Gullatt, Hall, Hammett, Harper, Haynes, Hill, Hilliard, Hogan, Holladay, Johnson, Kennedy, Knight (A), Knight (J), Mathis, McClain, McDowell, Newton (D), Parker (T), Penry, Perdue, Powell, Rockhold, Rogers (J), Sanderford, Turner, Venable, Warren, Willis and Zoghby.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 67. Proposing an amendment to the Constitution of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in Covington County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Butler, Carns, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Drake, Ford, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Kennedy, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Parker (T), Penry, Poole, Powell, Rockhold, Rogers (J), Sanderford, Spratt, Thomas, Turner, Venable, Warren, Willis and Zoghby.

-68

And the bill:

H. 68. Relating to Blount County; providing for the distribution of certain funds by the Board of Directors of Blount Memorial.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Curry, Drake, Gaston, Goodwin, Gullatt, Harvey, Hill, Hogan, Holladay, Kennedy, Knight (A), Knight (J), Kvalheim, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Powell, Richardson, Rockhold, Rogers (J), Smith (C), Turner, Willis and Zoghby.

-52

And the bill:

H. 71. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of McKenzie in Butler County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 1.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Butler, Carns, Carothers, Clay, Collins, Crow, Cullins, Curry, Drake, Freeman, Gaston, Gullatt, Hamilton, Hill, Hogan, Holladay, Knight (A), Kvalheim, Mathis, McClain, McMillan, Mikell, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Powell, Rockhold, Starkey, Turner, Turnham, Willis and Zoghby.

-46

Nay:

Representative Hall.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 72. Relating to Limestone County; authorizing the Limestone County Commission to regulate advertisement signs on the right-of-way of the county; to provide penalties for violations; and to provide that any municipality in Limestone County may regulate advertisement signs along streets and roads in the municipality.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yea:

Representatives Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Butler, Cams, Carothers, Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Gaston, Goodwin, Gullatt, Hall, Hamilton, Harper, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Letson, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rogers (F), Rogers (J), Sanderford, Smith (C), Starkey, Turner, Turnham, Venable, Willis and Zoghby.

-63

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Hamilton offered the motion to reconsider the vote by which the bill, H. 72, was passed, and the motion to reconsider was adopted.

And the bill H. 72, was again taken up.

AMENDMENT OFFERED

Representative Carter offered the following amendment to the bill, H. 72:

Amend House Bill 72 on page 1, Section 4, line 31, following the period (.) after the word "signs" by adding the following: "Nor shall this act apply to signs or markers designating or marking the location or presence of underground utility or telecommunication facilities."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 1.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Buskey, Butler, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Drake, Freeman, Gaston, Goodwin, Gullatt, Hamilton, Haney, Harper, Hawkins, Haynes, Hill, Hilliard, Hogan, Johnson, Kennedy, Knight (A), Kvalheim, Letson, McClain, McDowell, McMillan, Millican, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Turner, Venable, Warren, White, Willis and Zoghby.

-66

Nay:

Representative Hall.

- 1

And the bill, H. 72, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 1.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Butler, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Drake, Freeman, Gaston, Goodwin, Gullatt, Hamilton, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Johnson, Kennedy, Knight (A), Kvalheim, McClain, McDowell, McMillan, Mikell, Millican, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Smith (C), Turner, Turnham, Warren, Willis and Zoghby.

-60

Nay:

Representative Hall.

- 1

And the bill:

H. 75. Relating to Baldwin County; creating and establishing a personnel merit system; providing for personnel rules, principles, and organization; establishing a personnel department; establishing an appeals board and its membership; providing for classes of employment; and providing that county employees on April 21, 1993, under certain conditions shall be classified employees.

was taken up.

SUBSTITUTE OFFERED

Representative McMillan offered the following substitute to the bill, H. 75:

A BILL TO BE ENTITLED AN ACT

Relating to Baldwin County; creating and establishing a personnel merit system; providing for personnel rules, principles, and organization; establishing a personnel department; establishing an appeals board and its membership; providing for classes of employment; and providing that county employees on April 21, 1993, under certain conditions shall be classified employees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The purpose of this act is to establish a Baldwin County personnel merit system in order to maintain high quality employee conduct, integrity, and concern for the public interest.

Section 2. As used in this act, the following words shall have the following meanings:

(1) **APPOINTING AUTHORITY.** All persons having the authority to hire employees for the various departments of county government under their direct supervision.

(2) **APPOINTED EMPLOYEE.** A limited class of employees who serves at the pleasure of an elected official as specified in this act or other statute.

(3) **CLASSIFIED EMPLOYEE.** An individual who is assigned to a regular position authorized by the county commission whose salary is paid with funds allocated by the county commission and which initially includes a probationary period of not more than six months during which time a probationary employee is not a merit employee. Time spent in special training or education courses shall not be considered a part of the probationary period.

(4) COUNTY. Baldwin County.

(5) COUNTY COMMISSION. The governing body of Baldwin County or any succeeding governing body that may be established.

(6) DEPARTMENT HEAD. All elected officials elected county-wide including, but not limited to, the sheriff, judge of probate, tax collector, tax assessor, and all persons having authority to hire as of the effective date of this act or as may be authorized hereafter by the county commission.

(7) EMPLOYEE. An individual who works for the county in a temporary, classified, or appointed position whose salary is paid with funds allocated by the county commission.

(8) PERSONNEL DEPARTMENT. The department created by the county commission to carry out all personnel and related matters as designated by the county commission.

(9) TEMPORARY EMPLOYEE. An individual employed solely on a temporary basis. The employees shall be subject to the hiring provisions of the personnel policies and procedures manual.

(10) VACANCY. A position approved and funded by the county commission which is currently unoccupied.

Section 3. There is established a merit based personnel system for Baldwin County. This system is based on the following principles:

(1) The recruitment, selection, and advancement of employees based on their seniority, education, demonstrated job performance, knowledge, and skills, including the open competition of qualified applicants for initial appointment.

(2) The establishment of pay rates consistent with the principle of equal pay for equal jobs.

(3) The training of employees, as needed, to assure quality job performance.

(4) The retention of employees on the basis of county needs, adequacy of performance, the correction of inadequate performance, when possible, and the separation of employees who cannot or will not improve their performance to meet standards.

(5) The assuring of fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, sex, race, color, religion, national origin, impairment, or age.

(6) The providing to all classified employees who have been disciplined or who have grievances a fair and impartial hearing and resolution of the disciplinary action or grievances. The hearing shall include for those employees who have been suspended without pay, demoted, or separated, due process procedures, and upon timely request of the employee, a hearing before the Personnel Appeals Board created in Section 9 of this act.

Section 4. All county employees shall be hired, retained, disciplined, and dismissed based on rules, policies, and procedures adopted to implement this act. This personnel system shall apply to all employees except the following:

- (1) Elected officials.
- (2) Members of appointed boards and commissions.
- (3) Volunteers who receive no compensation from the county.
- (4) Persons performing work under contract with the county and not carried on the payroll as employees.
- (5) Persons whose employment is subject to the approval of the United States Government or the State of Alabama.
- (6) Appointed employees.

Section 5. All classified county employees who have successfully completed a probationary period with the county shall not be separated from county employment without the minimum of a hearing with the employees' department head and the personnel director if requested by the employee.

Section 6. The county commission shall establish a personnel system for Baldwin County and create a personnel department. The county commission shall adopt all rules, policies, and procedures necessary for the creation and operation of the department.

Section 7. The personnel department shall assist the county commission in the establishment and implementation of a merit-based personnel system. The county commission shall fund the personnel department adequately for the department to carry out its tasks and duties including necessary and reasonable funding for operation of the personnel appeals board.

Section 8. The personnel department shall promulgate all rules, policies, and procedures necessary to implement this act after consultation with the county commission and subject to the approval of the county commission. All rules, policies, and procedures shall be submitted to the county appointing authorities and department heads prior to final adoption and approval by the county commission. The initial rules, policies, and procedures to implement this act shall

be approved by the county commission within 90 days of the effective date of this act.

Section 9. (a) There shall be established the Baldwin County Personnel Appeals Board. The board shall hear all appeals from final action as requested by an affected employee. The Personnel Appeals Board shall be composed of five persons who are registered voters and residents of the county. The members of the board shall be appointed as follows: Two members shall be appointed by the county commission. Two members shall be selected by the classified county employees only to serve on the appeals board. Each employee of the county shall be given the opportunity to select by vote two classified county employees to serve on the appeals board. The individuals receiving the greatest number of votes shall be the employee appeals board members. These four members shall have 15 days to select the fifth member. In the event they can not mutually agree, then each shall nominate one person, and one of the four shall be selected by lot drawn by one member of the board in the presence of the other members.

(b) No person who holds elected office, is a candidate for elected office, or receives a salary from the county, except the employee appeals board member, shall serve on the board. A board member's term shall immediately terminate upon occurrence of any one of the foregoing conditions. A vacancy shall be filled in the same manner as the original appointment of a board member as soon as possible after a vacancy occurs. A board member shall be eligible for reappointment to successive terms on the board.

(c) Each member shall serve a three-year term with the exception of the initial members of the board. The initial members shall draw lots to determine two members who shall serve a three-year term, two members who shall serve a two-year term, and one member who shall serve a one-year term.

(d) The board shall follow administrative procedures adopted by the county commission to implement the appeals process. The personnel department shall provide all necessary clerical and administrative support for the board. The board shall meet as needed. Each year board members shall select from among themselves a chairperson. Board members may be compensated as established from time to time by the county commission.

(e) The board shall hear all appeals from the final action of the department head with respect to disciplinary action. An employee who receives an adverse ruling from the board, shall appeal to the commission prior to seeking other legal action.

(f) All testimony shall be under oath and the board has the power to subpoena witnesses and demand production of relevant documents. The board has the authority to affirm, revise, or amend any previous personnel decisions after a hearing.

Section 10. (a) Each county appointing authority is authorized to hire employees to fill approved vacancies as established by the county commission. All classified employees and temporary employees shall be hired from a certified register provided by the personnel department of job applicants who meet the job-related qualifications. After a certified register is submitted to a county appointing authority or department head, the selection of an employee from a certified register shall not require approval of the county commission. One appointed employee position may be filled by each county-wide elected official except for the sheriff who shall have three appointed employees. In the event two elected offices are combined, the elected officer of the combined office shall have two appointed employee positions. An appointed employee is not required to be hired from a certified register. All employees appointed by the county commission shall be classified employees except the position of county administrator which may be an appointed employee.

(b) All personnel activities shall be in accordance with the rules, policies, and procedures enacted by the county commission.

(c) The county commission shall provide full, fair, and adequate justification for each placement action taken and must be able to relate each such action to objective criteria established from commencement of the requisition and recruiting process. The county commission is directed to establish sufficient safeguards to insure that the personnel policies and procedures are not capable of arbitrary or capricious application to classified employees.

Section 11. All existing employees of Baldwin County who have successfully completed a probationary period as of April 21, 1993, as currently provided shall be classified employees except employees designated in appointed employee positions as provided in this act.

Section 12. This act shall not affect the power of the county commission to contract for professional services or services not performed by a county employee on a regular basis.

Section 13. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 14. All laws or parts of laws, general, local, or special, including specifically as it applies to Baldwin County, which conflict with this act are hereby repealed. However, it is the intent of the Legislature that the personnel system, appeals processes, policies, procedures, rules and regulations herein established shall comply with and be construed to be in pari materia with orders of the Circuit Court of Baldwin County in that certain litigation styled Baldwin County Employees Association versus Baldwin County Commission Case No. CV-90-831. CCP.

Section 15. The provisions of this act providing for the hiring of county employees from certified registers shall become operative 90 days from the effective date of this act.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Bowling, Bryant, Burke, Buskey, Butler, Carns, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Gaines, Gaston, Goodwin, Gullatt, Hall, Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Letson, McClain, McMillan, Millican, Morton, Parker (P), Parker (T), Payne, Penry, Perdue, Powell, Rogers (F), Rogers (J), Sanderford, Sanderson, Turner, Turnham, Venable, Willis and Zoghby.

-57

And the bill, H. 75, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Bowling, Bryant, Burke, Buskey, Butler, Carns, Carter, Clay, Collins, Crow, Cullins, Curry, Drake, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Letson, McClain, McDowell, McMillan, Mikell, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Starkey, Turner, Venable, Willis and Zoghby.

-61

And the bill:

H. 77. Relating to Baldwin County; to provide for the regulation by the county commission of the construction setback from any county or state public road or highway; and to provide for appeals and exceptions.

was taken up.

SUBSTITUTE OFFERED

Representative Penry offered the following substitute to the bill, H. 77:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Baldwin County; to provide for the regulation by the county commission of the construction setback from any county or state public road or highway; and to provide for appeals and exceptions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This bill shall apply only to Baldwin County.

Section 2. The Baldwin County Commission, through the county planning and zoning commission, shall regulate the construction setback from the centerline of any state or county public road or highway located outside the corporate limits of a municipality in Baldwin County.

Section 3. The provisions of this act do not apply to poles, facilities, structures, water, gas, sewer, electric, telephone, or utility lines or other facilities of public utilities.

Section 4. The construction setback from any state or county public road or highway shall vary according to the highway functional classifications submitted by the Baldwin County Commission and approved by the Federal Highway Administration for Baldwin County.

Section 5. The functional classifications and the construction setbacks required for each classification are established as follows:

(1) Principal arterials require a 125 foot setback from the centerline of the right-of-way.

(2) Major arterials require a 100 foot setback from the centerline of the right-of-way.

(3) Minor arterials require a 75 foot setback from the centerline of the right-of-way.

(4) Minor collectors require a 50 foot setback from the centerline of the right-of-way.

Section 6. No permanent structure shall be erected or constructed within the designated construction setback.

Section 7. The county planning and zoning commission, upon the petition of a landowner or an aggrieved party, shall call a meeting for an appeals hearing and make a recommendation to the county commission. The county commission may waive compliance with this act upon approval by a majority vote of the members attending a meeting if in its judgment an economic or logistic hardship exists.

Section 8. The county may institute an appropriate civil action to prevent an unlawful setback or to otherwise enforce this act.

Section 9. The provisions of this act are supplemental to any laws or any rules, regulations, or ordinances, state or local, relating to the right-of-way and the construction setback along or near any county or state public road or highway outside the corporate limits of a municipality in Baldwin County. This act shall supersede any laws or parts of laws including any part of Act No. 87-774, H.1073, 1977 Regular Session (Acts of Alabama 1987, p. 1512), or any rules, regulations, or ordinances which directly conflict with this act.

Section 10. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Bowling, Bryant, Buskey, Butler, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Gaines, Gaston, Goodwin, Hamilton, Hammett, Harvey, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Letson, McClain, McDowell, McMillan, Mikell, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rogers (F), Rogers (J), Sanderson, Smith (C), Starkey, Turner, Venable, Willis and Zoghby.

-59

And the bill, H. 77, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Barnes, Black (L), Black (M), Bowling, Bryant, Burke, Buskey, Butler, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Gaines, Gaston, Goodwin, Hammett, Hawkins, Haynes, Hill, Hilliard, Holladay, Holley, Johnson, Kennedy, Knight (A), Kvalheim, Letson, McClain, McDowell, Millican, Morton, Parker (P), Parker (T), Poole, Powell, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Spratt, Starkey, Turner, Venable, Willis and Zoghby.

-53

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Freeman to suspend the rules in order to take up out of order the bill, H. 89, was lost, lacking a four-fifths vote.

Yeas 20; Nays 12.

Yea:

Representatives Beasley, Biddle, Black (L), Black (M), Box, Bryant, Burke, Carns, Freeman, Gaines, Haney, Hill, Holladay, Knight (A), Mikell, Payne, Powell, Sanderson, Turner and White.

-20

Nay:

Representatives Barnes, Flowers, Hall, Hilliard, Kennedy, McClain, McDowell, Newton (D), Perdue, Rogers (J), Spratt and Willis.

-12

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 50. (With Amendment): To alter, rearrange, and extend the boundary lines and corporate limits of the City of Midfield in Jefferson County.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. 50 on Page 1, line 21 by adding the following after "Tract I": "less and except that part of the Church of God campground property."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Carns, Clay, Collins, Curry, Freeman, Fuller, Gaines, Goodwin, Hall, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Kennedy, Knight (A), Knight (J), Letson, McClain, McDowell, Millican, Morton, Newton (D), Payne, Perdue, Petelos, Rogers (F), Rogers (J), Sanderson, Spratt, Starkey, Turner, Venable and Zoghby.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 50, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Barnes, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Carns, Clay, Collins, Cullins, Curry, Dolbare, Freeman, Gaines, Goodwin, Hall, Hamilton, Harvey, Hawkins, Haynes, Hill, Hilliard, Holladay, Kennedy, Knight (A), Knight (J), Letson, McClain, McDowell, Mikell, Millican, Morton, Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Rich, Rogers (F), Rogers (J), Sanderson, Spratt, Starkey, Turner, Venable, Warren and Zoghby.

-53

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Newton (D), the rules were suspended in order to take up out of order the bill, H. 52.

Yeas 34; Nays 1.

Yea:

Representatives Barnes, Biddle, Black (L), Black (M), Bryant, Buskey, Carns, Clay, Crow, Curry, Gaines, Goodwin, Hall, Hawkins, Haynes, Hilliard, Kennedy, Knight (J), Letson, McClain, McDowell, Morton, Newton (D), Payne, Perdue, Petelos, Rogers (F), Rogers (J), Smith (C), Spratt, Turner, Warren, Willis and Zoghby.

-34

Nay:

Representative Powell.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 52. Prescribing procedures for converting prior service to creditable service in the General Retirement System for Employees of Jefferson County as established by Act No. 497 of the 1965 Regular Session of the Legislature, providing for payment for converting the prior service, and providing for a delayed effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey, Butler, Carns, Clay, Crow, Cullins, Curry, Gaines, Goodwin, Hall,

Hawkins, Haynes, Higginbotham, Hill, Hilliard, Holmes, Kennedy, Knight (A), Knight (J), Letson, McClain, McDowell, Mikell, Morton, Newton (D), Parker (P), Payne, Perdue, Petelos, Powell, Rogers (F), Rogers (J), Sanderson, Smith (C), Spratt, Turner, Venable and Willis.

-46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 41. To authorize the county commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax district subject to the jurisdiction and control of the Hoover City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.39 on each one hundred dollars (13.9 mills on each dollar) of assessed value.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Blakeney, Bryant, Butler, Carns, Clay, Collins, Crow, Cullins, Curry, Fuller, Gaines, Goodwin, Hamilton, Hawkins, Haynes, Hill, Hogan, Hooper, Knight (A), Knight (J), Letson, McClain, McDowell, McMillan, Morton, Parker (P), Payne, Penry, Petelos, Rogers (F), Rogers (J), Sanderson, Smith (C), Spratt, Turner, Venable and Willis.

-42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 40. To authorize the county commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax district subject to the jurisdiction and control of the Vestavia Hills City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.51 on each one hundred dollars (15.1 mills on each dollar) of assessed value.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey, Butler, Carns, Clay, Collins, Crow, Cullins, Curry, Gaines, Goodwin, Hall, Hamilton, Hawkins, Hill, Hilliard, Hogan, Holladay, Hooper, Kennedy, Knight (A), McClain, McDowell, McMillan, Morton, Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Poole, Rogers (F), Rogers (J), Sanderson, Smith (C), Spratt, Turner, Venable, Warren, Willis and Zoghby.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 60. Relating to the following part of Jefferson County: The school tax district in Jefferson County known as the Tarrant City School District and consisting of all of that part of Jefferson County within the corporate limits of the City of Tarrant, Alabama (The "Tarrant School District"); approving an increase of the five and two-tenths mill district ad valorem school tax levied in the Tarrant School District pursuant to Amendments No. 3, No. 325, and No. 373 to the Constitution of Alabama of 1901, by six mills to eleven and two-tenths mills, all in accordance with Amendment No. 373 to the Alabama Constitution; such additional six mill tax to be levied and collected by the governing body of Jefferson County

for each year beginning with the levy for the tax year October 1, 1994, to September 30, 1995 (the tax for which year will be due and payable October 1, 1995) or such later year for which the required electorate approval may be obtained for the earliest possible levy and collection, and ending with the levy for the tax year October 1, 2020, to September 30, 2021 (the tax for which year will be due and payable October 1, 2021), for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the Tarrant School District at a special election called and held in accordance with the law governing special elections.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey, Butler, Carns, Clark (W), Clay, Collins, Cullins, Curry, Gaines, Goodwin, Hall, Hawkins, Hill, Hilliard, Holladay, Kennedy, Knight (A), Knight (J), Letson, McClain, McDowell, Mikell, Millican, Morton, Newton (D), Parker (P), Payne, Perdue, Petelos, Powell, Rogers (F), Rogers (J), Sanderson, Smith (C), Spratt, Venable and Zoghby.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 59. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Homewood, in Jefferson County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Blakeney, Box, Bryant,

Butler, Carns, Clay, Crow, Cullins, Curry, Gaines, Gaston, Goodwin, Hawkins, Hill, Hilliard, Hogan, Holladay, Knight (A), Knight (J), Kvalheim, Letson, McClain, McDowell, Mikell, Morrow, Morton, Parker (P), Payne, Perdue, Petelos, Poole, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Spratt, Turner, Venable, Willis and Zoghby.

-46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 64. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Homewood in Jefferson County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yea:

Representatives Barnes, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Butler, Carns, Clay, Crow, Cullins, Curry, Gaines, Gaston, Goodwin, Hawkins, Hill, Hilliard, Hogan, Holladay, Hooper, Knight (A), Knight (J), Kvalheim, Letson, McClain, McDowell, McMillan, Mikell, Morrow, Morton, Parker (P), Payne, Penry, Rogers (F), Rogers (J), Sanderson, Smith (C), Spratt, Turner, Venable, Willis and Zoghby.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 29. Relating to Mobile County; to exempt the Mobile Arts and Sport Association from the payment of all county and municipal sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Barnes, Black (L), Black (M), Blakeney, Bryant, Burke, Buskey, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Ford, Freeman, Gaston, Hall, Harper, Hill, Hilliard, Hogan, Holladay, Kennedy, Knight (A), Kvalheim, Letson, McClain, McDowell, McMillan, Melton, Millican, Morrow, Morton, Parker (P), Penry, Petelos, Rockhold, Rogers (F), Rogers (J), Smith (C), Spratt, Turner, Venable, White, Willis and Zoghby.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 90. (With Substitute): Relating to the City of Wilmer in Mobile County, Alabama, by providing for a referendum election on the question of dissolution of the City of Wilmer, and for disposition of certain city services including radio communication should the voters elect to dissolve the city.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 3, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

Relating to the City of Wilmer in Mobile County, Alabama, by providing for a referendum election on the question of dissolution of the City of Wilmer, and for disposition of certain city services including radio communication should the voters elect to dissolve the city.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be operative only in the City of Wilmer, Alabama.

Section 2. The City Clerk of Wilmer shall schedule a referendum election within 30 days after the effective date of this act on the question of dissolution of the city. Notice of the election shall be published once a week for three consecutive weeks before the date of the election. The proposition to be voted on shall be stated substantially as follows: "Do you favor dissolution of the City of Wilmer? Yes ___ No ___?" If the majority votes yes the city shall be dissolved and cease to exist.

Section 3. (a) If the city is dissolved, the following services and administrative responsibility shall be disposed of as follows:

(1) All radio communication shall be coordinated between Mobile County and the local volunteer fire and rescue departments.

(2) All senior activities for independent living programs shall be coordinated between the Mobile County Commission and the area agency on aging.

(3) The water board of the city shall continue to exist as a separate entity to be governed by the present board for a period of four years and thereafter members of the board shall be appointed by the Mobile County Commission.

(b) All remaining obligations, properties, and assets of the city shall be disposed of by the Mobile County Commission.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 54; Nays 1.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Blakeney, Bryant, Burke, Butler, Carns, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Hamilton, Harper, Harvey, Hawkins, Higginbotham, Hill, Hilliard, Hogan, Holladay, Kennedy, Knight (A), Knight (J), Letson, Mathis, McClain, McMillan, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Payne, Penry, Petelos, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Spratt, Turner, Venable, Willis and Zoghby.

Nay:

Representative Kvalheim.

- 1

And the bill, H. 90, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Barnes, Black (L), Black (M), Blakeney, Bryant, Burke, Buskey, Butler, Carter, Clay, Collins, Crow, Cullins, Dolbare, Ford, Freeman, Fuller, Gaston, Hall, Harper, Hill, Hilliard, Hogan, Kennedy, Knight (A), Kvalheim, Letson, Mathis, McClain, McDowell, Melton, Millican, Morrow, Morton, Rockhold, Rogers (F), Rogers (J), Smith (C), Spratt, Turner, Venable, White and Willis.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CO-SPONSORS ADDED

Representatives Buskey, Dolbare, Harper, Hawkins, Rockhold and Turner were added as co-sponsors to the bill, H. 90.

And the bill:

H. 19. (With Substitute): Relating to Madison County; authorizing the county to provide for the cremation of indigent persons under certain circumstances.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 4, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Madison County; authorizing the county to provide for the cremation of indigent persons under certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Madison County Commission may provide for expenses of cremation of any deceased indigent person, if the deceased was a resident of the county prior to his or her death, died without an estate, and has no relatives residing in the county who are financially able to provide for the burial or cremation expenses of the person.

(b) The surviving spouse of the deceased person shall consent in writing to the cremation by the county.

(c) If there is no surviving spouse, any adult child of the deceased person, if the adult child resides in the county, shall consent in writing to the cremation.

(d) If there is no surviving spouse or surviving adult child of the deceased residing in the county, the agency referring the body and requesting the cremation may consent in writing to the cremation. A referring agency acting in good faith pursuant to this act shall be exempt from all civil and criminal liability regarding such action.

(e) If written consent is not received for cremation, no legal obligation is created by this act for the county to provide burial expenses.

Section 2. This act is cumulative and supplemental to any existing law regarding the disposal of the bodies of deceased indigent persons in Madison County.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 37; Nays 0.

Yea:

Mr. Speaker, Black (L), Bryant, Burke, Butler, Clay, Collins, Crow, Cullins,

Curry, Freeman, Gaston, Hall, Hamilton, Haney, Harvey, Hawkins, Hill, Hogan, Holladay, Holmes, Kvalheim, McKee, Mikell, Millican, Morrow, Morton, Parker (P), Petelos, Rogers (J), Sanderford, Sanderson, Smith (C), Turner, Venable, Willis and Zoghby.

-37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 19, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 2.

Yea:

Mr. Speaker, Barnes, Biddle, Box, Bryant, Burke, Butler, Carns, Carothers, Collins, Cullins, Curry, Freeman, Gaines, Goodwin, Hall, Hamilton, Haney, Harvey, Hawkins, Hill, Hilliard, Holmes, Hooper, Knight (A), McKee, McMillan, Mikell, Morrow, Morton, Parker (P), Payne, Petelos, Rockhold, Sanderford, Sanderson, Spratt, Starkey, Venable, Walker and Zoghby.

-41

Nay:

Representatives Haynes and Rogers (J).

- 2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Penry to suspend the rules in order to take up out of order the bill, H. 76, was lost.

Yeas 18; Nays 25.

Yea:

Mr. Speaker, Beasley, Box, Carothers, Fuller, Gaston, Haney, Harvey, Hilliard, Kvalheim, McMillan, Morton, Penry, Petelos, Rockhold, Sanderson, Spratt and Starkey.

-18

Nay:

Representatives Black (M), Bryant, Burke, Cosby, Dolbare, Hall, Hamilton, Hammett, Hawkins, Holladay, Holley, Holmes, Knight (J), Layson, McDaniel, McKee, Morrow, Parker (P), Richardson, Rogers (F), Smith (C), Venable, Walker, White and Williams.

-25

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Poole, the rules were suspended in order to take up out of order the bill, H. 54.

Yeas 39; Nays 4.

Yea:

Representatives Barnes, Beasley, Black (M), Blakeney, Box, Bryant, Burke, Carothers, Carter, Collins, Crow, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hill, Hilliard, Hogan, Holley, Hooper, Johnson, Knight (A), Kvalheim, McClain, Millican, Morrow, Morton, Parker (T), Petelos, Poole, Powell, Rockhold, Sanderson, Smith (C), Spratt, Venable, Walker and Willis.

-39

Nay:

Representatives Dolbare, Hamilton, Laird and Layson.

- 4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 54. To create a new circuit judgeship in the Sixth Judicial Circuit.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 5.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Carter, Clay, Collins, Crow, Curry, Fuller, Gaston, Goodwin, Gullatt, Hammett, Harvey, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Knight (A), Kvalheim, McDowell, Mikell, Millican, Morrow, Morton, Parker (T), Petelos, Poole, Powell, Richardson, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Willis and Zoghby.

-47

Nay:

Representatives Dolbare, Hamilton, Laird, Layson and Payne.

- 5

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 57. HONORING T. MASSEY BEDSOLE OF MOBILE, ALABAMA.

Also:

H.J.R. 59. HONORING MRS. JULIA HONEYCUTT OF JASPER, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

Also:

H.J.R. 61. MOURNING THE DEATH OF CHARLES H. CARPENTER.

McDOWELL LEE
Secretary

RECESS

On motion of Representative Freeman, the House recessed for one hour.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

LEAVES OF ABSENCE

At the request of Representative Sanderson, leave of absence was granted for Representative Knight (A).

Also:

At the request of Representative Penry, leave of absence was granted for Representative Campbell.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 57. HONORING T. MASSEY BEDSOLE OF MOBILE, ALABAMA.

Also:

H.J.R. 59. HONORING MRS. JULIA HONEYCUTT OF JASPER, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

Also:

H.J.R. 61. MOURNING THE DEATH OF CHARLES H. CARPENTER.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

BILLS ON THIRD READING

The House then proceeded with the consideration of the bills on the Regular Calendar.

And the bill:

H. 92. (With Substitute) (With Amendment): Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2, 17-22A-3, 17-22A-4, 17-22A-5, 17-22A-7, as amended by Act 93-762, S. 27, 1993 Regular Session, 17-22A-8, 17-22A-9, 17-22A-11, and 17-22A-21, Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees.

was taken up.

SUBSTITUTE OFFERED

The Standing Committee on Ways and Means offered the following substitute to the bill, H. 92:

A BILL TO BE ENTITLED AN ACT

Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2,

17-22A-3, 17-22A-4, 17-22A-5, 17-22A-7, as amended by Act 93-762, S. 27, 1993 Regular Session, 17-22A-8, 17-22A-9, 17-22A-11, and 17-22A-21, Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-22A-2, 17-22A-3, 17-22A-4, 17-22A-5, 17-22A-7, as amended by Act 93-762, S. 27, 1993 Regular Session, 17-22A-8, 17-22A-9, 17-22A-11 and 17-22A-21, Code of Alabama 1975, are amended to read as follows:

"§17-22A-2.

"For purposes of this chapter, ~~unless a different meaning clearly appears in the context,~~ the following terms shall have the following meanings ascribed in this section:

"(1) CANDIDATE. An individual who has done any of the following:

"a. Taken the action necessary under the laws of the state to qualify himself or herself for nomination or for election to any state office or local office or in the case of an independent seeking ballot access, on the date when he or she files a petition with the probate judge of probate in the case of county offices or the secretary of state in all other cases;~~or.~~

"b. Received contributions or made expenditures, or given his or her consent for any other person or persons to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to any state office or local office. Provided, however, that Notwithstanding the foregoing, no person shall be considered a candidate within the meaning of this subdivision until ~~such~~ the time as he or she has either received contributions or expenditures as provided herein in the following amounts:

"1. Ten thousand dollars (\$10,000) or more, with a view toward bringing about nomination or election to any state office other than one filled by election of the registered voters of any circuit or district within the state;~~.~~

"2. Three thousand dollars (\$3,000) or more, with a view toward bringing about nomination or election to any state office filled by election of the registered voters of any circuit or district;~~and.~~

"3. One thousand dollars (\$1,000) or more, with a view toward bringing about nomination or election to any local office.

"(2) CONTRIBUTION.

"a. The following shall be considered ~~contributions~~ a contribution:

"1. A gift, subscription, loan, advance, deposit of money, a thing ~~or anything~~ of value, a payment, a forgiveness of a loan, or payment of a third party, made for the purpose of influencing the result of an election;_

"2. A contract or agreement to make a gift, subscription, loan, advance, or deposit of money, or thing ~~anything~~ of value for the purpose of influencing the result of an election;_

"3. Any transfer of a thing ~~anything~~ of value received by a political committee from another political committee, political party, or other source; ~~or~~ _

"4. The payment of compensation by any person for the personal services or expenses of any other person if ~~such~~ those services are rendered or expenses incurred on behalf of a candidate, political committee, or political party without payment of full and adequate compensation by ~~such~~ the candidate, political committee, or political party. ~~Provided, however, that~~ Notwithstanding the foregoing, the payment of compensation by a corporation for the purpose of establishing, administering, or soliciting voluntary contributions to a separate, segregated fund as permitted by section 10-1-2, shall not constitute a contribution.

"b. ~~The term "contribution" does not include:~~ The following shall not be considered a contribution:

"1. The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;_

"2. The use of real or personal property and the cost of invitations, food, or beverages, voluntarily provided by an individual to a candidate or political committee in rendering voluntary personal services on the individual's residential or business premises for election-related activities;_

"3. The sale of any food or beverage by a vendor for use in ~~an election~~ a campaign at a charge to a candidate or political committee less than the normal comparable charge, if ~~such~~ that charge to the political committee for use in ~~an election~~ the campaign is at least equal to the cost of ~~such~~ the food or beverage to the vendor;_

"4. Any unreimbursed payment for travel expenses made by an individual who on his or her own behalf volunteers personal services to a candidate or political committee; ~~or~~ _

"5. The payment by a state or local committee of a political party of the cost of preparation, display, or mailing or other distribution incurred by ~~such~~ the committee with respect to a printed slate card or sample ballot, or other printed listing

of two or more candidates for any public office for which an election is held in the state, except that this subparagraph shall not apply in the case of costs incurred by ~~such~~ the committee with respect to a display of any ~~such~~ listing made on broadcasting stations, or in newspapers, magazines, or other similar types of general public political advertising.

"6. The value or cost of polling data and voter preference data and information if provided to a candidate or political committee, unless ~~such~~ the information was compiled with the advance knowledge of and approval of the candidate or the political committee.

"(3) ELECTION. Unless otherwise specified, any general, special, primary, or runoff election, or any convention or caucus of a political party held to nominate a candidate, or any election at which a constitutional amendment or other proposition is submitted to the popular vote.

"(4) EXPENDITURE.

"a. The following shall be considered ~~expenditures~~ an expenditure:

"1. A purchase, payment, distribution, loan, advance, deposit, ~~or~~ gift of money, or thing ~~anything~~ of value, made for the purpose of influencing the result of an election;

"2. A contract or agreement to make any purchase, payment, distribution, loan, advance, deposit, ~~or~~ gift of money, or thing ~~anything~~ of value, for the purpose of influencing the result of an election;~~or~~ .

"3. The transfer, gift, or contribution of funds of a political committee to another political committee.

"b. ~~The term "expenditure" does not include~~ following shall not be considered an expenditure:

"1. Any news story, commentary, or editorial prepared by and distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless ~~such~~ those facilities are owned or controlled by any political party or political committee;

"2. Nonpartisan activity designed to encourage individuals to register to vote, or to vote;

"3. Any communication by any membership organization to its members or by a corporation to its stockholders and employees if ~~such~~ the membership organization or corporation is not organized primarily for the purpose of influencing the result of an election;

"4. The use of real or personal property and the cost of invitations, food, or beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential or business premises for election-related activities;

"5. Any unreimbursed payment for travel expenses made by an individual who, on his or her own behalf, volunteers personal services to a candidate or political committee;

"6. Any communication by ~~any a~~ person which is not made for the purposes of influencing the result of an election;

"7. The payment by a state or local committee of a political party of the cost of preparation, display, or mailing or other distribution incurred by ~~such the~~ committee with respect to a printed slate card or sample ballot, or other printed listing of two or more candidates for any public office for which an election is held in the state, except that this subparagraph shall not apply in the case of costs incurred by ~~such the~~ committee with respect to a display of any ~~such~~ listing made on broadcasting stations, or in newspapers, magazines, or ~~other~~ similar types of general public political advertising.

"(5) IDENTIFICATION. The full name and complete address.

"(6) LOAN. A transfer of money, property, or ~~thing anything~~ of value in consideration of a promise or obligation, conditional or not, to repay in whole or part.

"(7) LOCAL OFFICE. Any office under the constitution and laws of the state, except circuit, district, or legislative offices, filled by ~~at an~~ election of ~~by the~~ registered voters of a single county or municipality, or by the voters of a division contained within a county or municipality.

"(8) PERSON. An individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

"(9) POLITICAL COMMITTEE. Any political committee, club, association, principal campaign committee, political party, or other group of one or more persons which receives or anticipates receiving contributions or makes or anticipates making expenditures to or on behalf of any elected official, proposition, candidate, principal campaign committee or other political committee exceeding one thousand dollars (\$1,000) annually. For the purposes of this chapter an individual who makes a personal political contribution (other than a candidate who makes a contribution to himself or herself), shall not be considered a political committee.

"(10) POLITICAL PARTY. Any political party or on-going membership organization whose stated purpose, in whole or in part, is to carry out the goals,

functions, and objectives of a political party, including, but not limited to, supporting any or all candidates of a political party, and encouraging voter registration, participation, and education. The primary purpose of such an on-going membership organization shall not be to raise funds for political candidates or political committees.

"(10) (11) **PRINCIPAL CAMPAIGN COMMITTEE.** The principal campaign committee designated by a candidate under section 17-22A-4. A political committee established primarily to benefit an individual candidate or an individual elected official shall be considered a principal campaign committee for purposes of this chapter.

"(12) **PROHIBITED PERIOD.** Any time that is not during the period between 12 months before the first primary election for the particular term of the office in question and 30 days after the general election for the particular term of the office in question. Prohibited period does not include, and a candidate or his or her principal campaign committee may continue to solicit contributions during, the period of 120 days after the general election for that term of office if a candidate has a campaign debt after the end of the campaign and files a certified report with the Secretary of State within 30 days after the general election, showing the amount of funds in the campaign, the amount of the debt, and the persons or entities to whom the debt is owed, and if all money received is applied against the debt. Within 10 days of this 120 day extension, the candidate or his or her principal campaign committee shall file with the Secretary of State the report required pursuant to Section 17-22A-8.

"(11) (13) **PROPOSITION.** Any proposal for submission to the general public for its approval or rejection, including proposed as well as qualified ballot questions.

"(12) (14) **STATE.** The state of Alabama.

"(13) (15) **STATE OFFICE.** All offices under the constitution and laws of the state filled by election of the registered voters of the state, or of any circuit or district and shall include legislative offices.

"(16) **THING OF VALUE.** Any individual gift, favor, service, gratuity, special discount, unsecured loan (other than those made in the ordinary course of business), reward, or promise of future employment. A thing of value does not include fees, honorariums, or seasonal gifts, if the aggregate value of these items is less than two hundred and fifty dollars (\$250) during any one calendar year. A thing of value shall not include expenses associated with social occasions afforded public officials and public employees, nor shall a thing of value include reasonable transportation and lodging and meal expenses for educational or informational purposes."

"§17-22A-3.

"(a) Every political committee shall have a chairman chair and a treasurer. Where required, the treasurer shall register the political committee with the Secretary of State.

"(b) All funds of a political committee shall be segregated from, and shall not be commingled with, any personal funds of officers, members, or associates of such the political committee.

"(c) ~~It shall be the duty of the~~ The treasurer of a political committee to shall keep a detailed, exact account of the following:

"(1) All contributions made to or for such the political committee;

"(2) All expenditures made by or on behalf of such the political committee;
and.

"(3) The identification of every person to whom an expenditure is made, the date and amount thereof, and the name of each candidate on whose behalf such the expenditure was made or a designation of the election proposition the result of which the political committee will attempt to influence by making expenditures or receiving contributions.

"(d) ~~It shall be the duty of the~~ The treasurer to shall obtain and keep a receipted bill or cancelled check, stating the particulars for every expenditure made by or on behalf of a political committee greater than \$100.00 one hundred dollars (\$100), and for any such expenditure in a lesser amount, if the aggregate amount of such the expenditures to the same person during a calendar year is greater than \$100.00 one hundred dollars (\$100). Provided, however, the The treasurer of a political committee other than a principal campaign committee shall not be required under this chapter to report any expenditure not related to political contributions or expenditures or made as an administrative expense. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of two years from the date of any such the expenditure."

"§17-22A-4.

"Within five 10 days after any person becomes a candidate for office, such the person shall file with the secretary of state or judge of probate, as provided in section 17-22A-9, a statement showing the name of not less than two nor more than five persons elected to serve as the principal campaign committee for such the candidate, together with a written acceptance or consent by such the committee, but Notwithstanding the foregoing, any candidate may declare himself or herself as the person chosen to serve as the principal campaign committee, in which and in that case such the candidate shall perform the duties of chairman chair and treasurer of such the principal campaign committee prescribed by this chapter. If any vacancies be vacancy is created by death or resignation or any other cause, such the candidate may fill such the vacancy, or the remaining

members shall discharge and complete the duties required of ~~such the~~ the committee as if ~~such the~~ vacancy had not been created. The principal campaign committee, or its treasurer, shall have exclusive custody of all moneys contributed, donated, subscribed, or in any manner furnished to or for the candidate represented by ~~such the~~ the committee, and shall account for and disburse the same moneys. No candidate shall expend any money in aid of his or her nomination or election except by contributing to the principal campaign committee designated by the candidate ~~as aforesaid.~~"

"§17-22A-5.

"(a) Each political committee, other than a principal campaign committee, which anticipates either receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding ~~\$1,000.00~~ one thousand dollars (\$1,000) shall file with the secretary of state or the judge of probate as ~~herein~~ provided in section 17-22A-9, a statement of organization, within 10 days after its organization or, if later within 10 days after the date on which it has information which causes the political committee to anticipate it will receive contributions or make expenditures in an aggregate amount in excess of ~~\$1,000.00~~ one thousand dollars (\$1,000). ~~Each such committee in existence at the date of enactment of this chapter shall file a statement of organization within 60 days after the effective date of this chapter.~~

"(b) The statement of organization shall include all of the following:

"(1) The name and complete address of the political committee;

"(2) The identification of any affiliated or connected organizations, ~~if any~~;

"(3) The purposes of the political committee;

"(4) The identification of the ~~chairman~~ chair and treasurer;

"(5) The identification of principal officers, including members of any finance committee;

"(6) A description of the constitutional amendments or other propositions, if any, that the political committee is supporting or opposing, and the identity, if known, of any candidate or elected official that the political committee is supporting or opposing;

"(7) A statement whether the political committee is a continuing one, and if not, the expected termination or dissolution date; ~~and~~;

"(8) The disposition of residual funds which will be made in the event of dissolution.

"(c) Any material change in information previously submitted in a statement of organization, except for the information described in subdivision (6) above, shall be reported to the secretary of state or judge of probate as provided in section 17-22A-9, within 10 days following the change.

"(d) A political committee, including a principal campaign committee, after having filed its initial statement of organization, shall continue in existence until terminated or dissolved as provided herein. When any political committee, other than a principal campaign committee, determines it will no longer receive contributions or make expenditures during any calendar year in an aggregate amount exceeding ~~\$1,000.00~~ one thousand dollars (\$1,000), or when any candidate through his or her principal campaign committee determines that he or she will not receive contributions or make expenditures in the amounts specified in section 17-22A-2(1)b, the ~~chairman~~ chair or treasurer of ~~such the~~ political committee ~~may so~~ shall notify the secretary of state or judge of probate, as designated in section 17-22A-9, of the termination or dissolution of ~~such the~~ political committee. ~~Such~~ The notice shall contain a statement by the treasurer of ~~such the~~ the political committee of the intended disposition of any residual funds then held by the political committee on behalf of a candidate.

"(e)(1) Political committees, except principal campaign committees and state and county executive committees, formed and registered after the effective date of the act adding this subsection shall file an initial one hundred dollar (\$100) registration fee with the Office of the Secretary of State. In addition, all new and existing political committees, except principal campaign committees and state and county executive committees, shall annually file a fifty dollar (\$50) registration fee by January 31 of each year with the Office of the Secretary of State. Upon payment of the initial annual registration fee, the Office of the Secretary of State shall issue a certification number and a certificate of operation to each political committee to authorize the political committee to participate in elections for the designated year. The certificate of operation shall be renewed by the Office of the Secretary of State by January 31 of each year. The fee or fees shall be deposited into the State General Fund.

"(2) In the event the annual fee is not paid on or prior to January 31 of each year, the Secretary of State shall give a written notice of delinquency to the last known address of the political committee or its chair and treasurer. The failure of the political committee to pay the initial or annual fee within 25 days after the date the notice of delinquency is mailed shall result in the automatic revocation of the political committee certificate of operation and in the subsequent dissolution of the political committee."

"§17-22A-7.

"(a) Amounts received by a principal campaign committee as contributions and any proceeds from investing ~~such those~~ contributions that are in excess of any amount necessary to defray expenditures of the candidate represented by

such the principal campaign committee, may be used by the candidate to defray any ordinary and necessary expenses, as defined in subsections (a), (b), and (e)(1) of Section 162 of Title 26 of U.S. Code, as it existed on May 5, 1993, incurred by him or her in connection with his or her duties as a holder of office, may be contributed by him or her to any organization described in section 170(c), section 501(c), or any other charitable, educational, or eleemosynary cause of Title 26 of U.S. Code, ~~may be transferred to another political committee~~, or may be deposited into the State General Fund or the Alabama Special Educational Trust Fund or any department or agency therein funded. Contributions to an office holder shall not be converted to personal use. For purposes of this ~~act~~ section, personal use shall not include room, telephones, office expenses and equipment, housing rental, meals, and travel expenses incurred in connection with the duties as a holder of office.

"(b) Candidates for state or local offices and their principal campaign committees designated in the statement filed with the Secretary of State pursuant to Section 17-22A-4, Code of Alabama 1975, on behalf of persons seeking or holding those offices, may shall not solicit or accept, or both, contributions during ~~the period when the Legislature is convened in session. For the purposes of this section, the Legislature is considered convened in session at any time from the opening day of the special or regular session and continuing through the day of adjournment sine die for that session. This subsection (b) shall not apply within 120 days of any primary, run-off, or general election and shall not apply to the candidates or principal campaign committees participating in any special election called by the Governor a prohibited period.~~

"(c) Principal campaign committees shall not transfer funds to other principal campaign committees and principal campaign committees shall not accept funds that have been transferred from other principal campaign committees.

"(d) No lobbyist registered pursuant to Section 36-25-18 may serve as a campaign chair or treasurer for a candidate for a state or local office.

"(e) Subsequent to the deadline for qualification, if a candidate for state or local office determines that he or she has no opposition, the candidate and his or her principal campaign committee shall cease solicitation or acceptance of any further campaign contributions except as may be necessary to pay verifiable expenses incurred in that campaign for the office.

"(f) When a candidate, or the candidate's principal campaign committee, solicits and accepts campaign contributions in expectation of seeking a state or local office, and the candidate subsequently does not qualify for the next election for that particular office, then the candidate and the principal campaign committee shall return the contributions to the contributors on a pro rata basis after the deduction of verifiable expenses incurred in that campaign for that particular office. For purposes of this subsection, 'that particular office' means a similar office in the same category of offices whether it is a legislative, executive, judicial, or local office."

"§17-22A-8.

"(a) ~~The treasurer of each principal campaign committee or other political committee shall file with the secretary of state or judge of probate, and the treasurer of other political committees shall file with the Secretary of State, as designated in section 17-22A-9, reports of contributions and expenditures at the following times in any year in which an election is held:~~

"(1) ~~Fifty-five~~ Between 50 and 45 days before and between 10 and five days before the date of any election for which a political committee receives contributions or makes expenditures with a view toward influencing such the election's result;

"(2) ~~Provided, however, that~~ Notwithstanding subdivision (1), a report shall not be required except between five and 10 days before a run-off election.

"(b) All candidates, political committees, and elected state and local officials covered under ~~the provisions of this chapter~~, shall annually file with the secretary of state or judge of probate, as designated in section 17-22A-9, reports of contributions and expenditures made during that year. The annual reports required under this subsection shall be made on or before January 31 of the succeeding year.

"(c) Each report under this section shall disclose all of the following:

"(1) The amount of cash or other assets on hand at the beginning of the reporting period; ~~provided, however, that the initial report required by this chapter shall include cash and assets acquired from the date of July 1, 1988, and forward until the end of that reporting period and disbursements made from same;~~

"(2) The identification of each person who has made contributions to ~~such the political committee or candidate within the calendar year in an aggregate amount greater than \$100.00 one hundred dollars (\$100), together with the amount and date of all such contributions; provided, however, in.~~ In the case of a political committee, other than a principal campaign committee, identification shall mean the name and city of residence of each person and name of each political committee who has made contributions within the calendar year in an aggregate amount greater than \$100.00; one hundred dollars (\$100).

"(3) The total amount of other contributions received during the calendar year but not reported under subdivision (c)(2) ~~of this section;~~

"(4) Each loan to or from any person within the calendar year in an aggregate amount greater than ~~\$100.00 one hundred dollars (\$100), together with the identification of the lender, the identification of the any endorsers, or guarantors, if any, and the date and amount of such the loans;~~

"(5) The total amount of receipts from any other source during each the calendar year including, without limitation, interest on campaign accounts and a thing of value;

"(6) The grand total of all receipts by or for each the committee during the calendar year;

"(7) The identification of each person to whom expenditures have been made by or on behalf of each the political committee or elected official within the calendar year in an aggregate amount greater than \$100.00 one hundred dollars (\$100), the amount, date, and purpose of each each expenditure, and, if applicable, the designation of each constitutional amendment or other proposition with respect to which an expenditure was made;

"(8) The identification of each person to whom an expenditure for personal services, salaries, and reimbursed expenses greater than \$100.00 one hundred dollars (\$100) has been made, and which is not otherwise reported or exempted from the provisions of this chapter, including the amount, date, and purpose of each the expenditure;

"(9) The grand total of all expenditures made by each the political committee or elected official during the calendar year; and,

"(10) The amount and nature of debts and obligations owed by or to the political committee or elected official, together with a statement as to the circumstances and conditions under which any each debt or obligation was extinguished and the consideration therefor.

"Political committees that file reports under federal election statutes may file a copy of the federal report in lieu of the report required by this section.

"(d) Each report required by this section shall be signed and filed by the elected official or on behalf of the political committee by its chairman chair or treasurer and, if filed on behalf of a principal campaign committee, by the candidate represented by each the committee. There shall be attached to each each report an affidavit subscribed and sworn to by the elected official, or chairman chair, or treasurer and, if filed by a principal campaign committee, the candidate represented by each the principal campaign committee, setting forth in substance that each the report is to the best of his or her knowledge and belief in all respects true and complete, and, if made by a candidate, that he or she has not received any contributions or made any expenditures which are not set forth and covered by each the report.

"(e) When a political committee registered in Alabama makes a contribution to another political committee, other than to a principal campaign committee, the political committee receiving the contribution and the political committee making the contribution shall within 10 days report the contribution in writing to the Secre-

tary of State. Notwithstanding the foregoing, a political committee may not make a contribution to another political committee, other than to a principal campaign committee, within 20 days prior to any election. The prohibition in the preceding sentence shall not apply to a special election."

"§17-22A-9.

"(a) All statements and reports required of principal campaign committees under the provisions of this chapter shall be filed with the secretary of state in the case of candidates for state office or state elected officials, and in the case of candidates for local office or local elected officials, with the judge of probate of the county in which the office is sought.

"(b) Political committees, except principal campaign committees, which seek to influence an election for state or local office or to influence a proposition, ~~regarding a single county~~, shall file all reports and statements with the judge of probate of the county affected. ~~All other political committees, except as provided in subsection (a) above, shall file reports and statements with the secretary of state.~~"

"§17-22A-11.

"(a) All political committees, except principal campaign committees, shall file their statement of organization forms and subsequent financial disclosure reports with the Office of the Secretary of State. The Office of the Secretary of State shall within two working days after receipt of those reports provide copies of the statements filed by political committees to the judge of probate in the county in which the political committee was organized.

"(b) The secretary of state and the judge of probate shall have the following duties:

"(1) ~~To accept~~ Accept and file all reports and statements from principal campaign committees required by the provisions of this chapter to be filed with them and ~~to accept~~ any information voluntarily supplied that exceeds the requirements of this chapter;.

"(2) ~~To make~~ Make each statement and report filed by a principal campaign committee, ~~or other political committee~~, or elected official available for public inspection and copying during regular office hours, ~~any such~~. The cost of copying ~~to shall~~ be at the expense of the person making copies; except that any information copied from ~~such the~~ reports or statements may not be sold or used by any political party or any political committee for the purposes of soliciting contributions or for commercial purposes, without the express written permission of the candidate or political committee reporting ~~such the~~ information.

~~"(3) To furnish~~ Furnish any forms ~~to be~~ used in complying with the provisions of this chapter. The expenses incurred by the secretary of state in furnishing forms, accepting statements and reports, filing statements and reports, and making ~~such~~ the statements and reports available to the public shall be paid from moneys designated to the distribution of public documents."

"§17-22A-21.

~~"A certificate of election or nomination shall not be issued to any person elected or nominated to state or local office who shall fail to file any statement or report required by this chapter. A certificate of election or nomination already issued to any person elected or nominated to state or county office who fails to file any statement or report required by this chapter shall be revoked.~~

"Any person elected or nominated to state or local office who fails to file or fails to file in a timely manner any statement or report required by this chapter shall be required to pay a late fee of one hundred dollars (\$100) or an amount equal to 10 percent of the total annual salary, expenses, and other emoluments of the office, whichever is greater. This amount shall be deposited into the State General Fund. The Secretary of State, in the case of persons elected or nominated to state office who fail to file or fail to file in a timely manner, shall notify those persons by certified mail of the failure and that the late fee is due. The judge of probate, in the case of persons elected or nominated to local office who fail to file or fail to file in a timely manner, shall notify those persons by certified mail of the failure and that the late fee is due. If the person elected or nominated to state or local office fails to pay the late fee or fails to file the required statement or report and the late fee within 10 days after receipt of the notification, the district attorney or Attorney General shall initiate legal proceedings to remove the candidate from the ballot or to revoke the certificate of election. Notwithstanding the foregoing, a certificate of election or nomination shall not be issued to any person elected or nominated to state or local office who, prior to the date of the election or nomination, has failed to file any statement or report required by this chapter."

Section 2. This act shall become effective January 15, 1994 after its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Box offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 92:

Relating to elections, to amend portions of the Fair Campaign Practices Act, Sections 17-22A-2 to 17-22A-23, inclusive, Code of Alabama 1975, including Section 17-22A-7, Code of Alabama 1975, as amended by Act 93-762, S. 27, 1993 Regular Session, to provide further for the regulation of elections and campaign practices of candidates, elected officials, political action committees and

principals, corporations, professional associations, professional corporations, limited liability companies, partnerships, and individuals; to limit certain campaign contributions for each balloted election cycle and during a prohibited period; to provide for late fees for candidates failing to file certain statements or reports on time; to authorize the initiation of legal proceedings to remove certain delinquent candidates from the ballot and revoke the certificate of election from delinquent elected officials; to include municipal candidates under certain requirements of this act; to require the solicitation and acceptance of contributions to fall within certain time frames; to provide for further campaign disclosure and to prohibit the transfer of certain funds between political action committees; and to prescribe penalties for violations.

SUBSTITUTE TO SUBSTITUTE TABLED

On motion of Representative Hammett, the substitute offered by Representative Box to the substitute offered by the Standing Committee on Ways and Means to the bill, H. 92, was tabled.

Yeas 54; Nays 42.

Yea:

Mr. Speaker, Barnes, Black (L), Bryant, Burke, Buskey, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Curry, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Gullatt, Hamilton, Hammett, Harvey, Hawkins, Hilliard, Hogan, Holley, Holmes, Hooper, Kennedy, Kvalheim, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Millican, Penry, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Spratt, Starkey, Thomas, Turner, Warren, White and Zoghby.

-54

Nay:

Representatives Anderson, Beasley, Biddle, Black (M), Bowling, Box, Butler, Crow, Cullins, Freeman, Fuller, Goodwin, Hall, Haynes, Higginbotham, Hill, Holladay, Johnson, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McKee, Mikell, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Rogers (F), Smith (C), Turnham, Venable, Walker and Willis.

-42

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 6. COMMENDING GERALD CRUMPTON FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

S.J.R. 7. COMMENDING CLAY COUNTY NATIVE, CHARLES M. "PETE" MATHEWS.

Also:

S.J.R. 8. DESIGNATING AUGUST 21, 1993, AS "CHARLES BARKLEY DAY" IN ALABAMA.

Also:

S.J.R. 9. ENCOURAGING GOVERNOR FOLSOM TO RELEASE CERTAIN CONDITIONAL EDUCATIONAL APPROPRIATIONS.

Also:

S.J.R. 10. COMMENDING MISS CATHERINE WILLIAMS AS GOVERNOR OF ALABAMA GIRLS STATE.

Also:

S.J.R. 11. COMMENDING DR. JAMES O. WILLIAMS FOR OUTSTANDING SERVICE TO AUBURN UNIVERSITY AT MONTGOMERY.

Also:

S.J.R. 13. COMMENDING KALYN EVEL CHAPMAN, MISS ALABAMA.

Also:

S.J.R. 15. MOURNING THE DEATH OF ROBERT GERALD HESTER OF GUIN, ALABAMA.

Also:

S.J.R. 19. RECOGNIZING HOYT HARWELL ON HIS RETIREMENT FROM THE ASSOCIATED PRESS.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

H. 92 RESUMED

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, and the committee substitute was adopted.

Yeas 89; Nays 7.

Yea:

Mr. Speaker, Anderson, Barnes, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

-89

Nay:

Representatives Beasley, Hamilton, McDowell, McKee, Newton (C), Poole and Rich.

- 7

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

On page 18, delete all the language on lines 24 to 27, inclusive

On page 19, line 1, delete the language (d) and insert in lieu thereof: (c)

On page 19, line 4, delete the language (e) and insert in lieu thereof: (d)

On page 19, line 11, delete the language (f) and insert in lieu thereof: (e)

AMENDMENT TABLED

On motion of Representative Hammett, the committee amendment was tabled.

Yeas 74; Nays 19.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Bryant, Carns, Carter, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Goodwin, Gullatt, Hall, Hammett, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Smith (C), Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, Willis and Zoghby.

-74

Nay:

Representatives Anderson, Barnes, Black (L), Burke, Buskey, Cagle, Carothers, Cosby, Freeman, Fuller, Haney, Harper, Kennedy, Knight (J), Letson, Sanderford, Sanderson, Thomas and White.

-19

AMENDMENT OFFERED

Representative Hammett offered the following amendment to the bill, H. 92, as amended:

On page 9, on line 21, delete the language "exceeding one thousand dollars (\$1,000) annually"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

-95

AMENDMENT OFFERED

Representative Holmes offered the following amendment #1 to the bill, H. 92, as amended:

On page 3, line 17, after the word "following" insert the following language:
since 1990

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #1 offered by Representative Holmes to the bill, H. 92, as amended, was tabled.

Yeas 52; Nays 29.

Yea:

Mr. Speaker, Anderson, Biddle, Blakeney, Bowling, Box, Burke, Butler, Cagle, Carns, Carothers, Carter, Collins, Crow, Dolbare, Flowers, Ford, Fuller, Gaines, Goodwin, Hammett, Haney, Harper, Harvey, Hawkins, Hilliard, Hogan, Holladay, Holley, Hooper, Laird, Layson, McMillan, Millican, Morrow, Morton, Newton (C), Parker (T), Payne, Penry, Powell, Rich, Rockhold, Rogers (F), Starkey, Turner, Turnham, Venable, Warren, White, Willis and Zoghby.

-52

Nay:

Representatives Barnes, Beasley, Cosby, Cullins, Curry, Freeman, Gaston, Gullatt, Haynes, Higginbotham, Hill, Holmes, Johnson, Knight (A), Kvalheim,

Letson, McClain, McKee, Melton, Mikell, Parker (P), Petelos, Poole, Rogers (J), Sanderford, Sanderson, Smith (C), Spratt and Walker.

-29

AMENDMENT OFFERED

Representative Holmes offered the following amendment #2 to the bill, H. 92, as amended:

On page 53, lines 12 through 16, inclusive, delete Sections 5 and 6 and insert in lieu thereof the following:

"This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #2 offered by Representative Holmes to the bill, H. 92, as amended, was tabled.

Yeas 58; Nays 32.

Yea:

Mr. Speaker, Anderson, Biddle, Blakeney, Burke, Butler, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Curry, Dolbare, Flowers, Ford, Gaines, Goodwin, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hilliard, Holladay, Holley, Hooper, Johnson, Laird, Layson, Letson, Lindsey, Mathis, McMillan, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Powell, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Spratt, Starkey, Turner, Turnham, Warren, White, Williams and Willis.

-58

Nay:

Representatives Barnes, Beasley, Black (L), Black (M), Box, Buskey, Cagle, Clark (W), Cullins, Freeman, Fuller, Gaston, Gullatt, Hall, Higginbotham, Hill, Hogan, Holmes, Kennedy, Knight (A), Knight (J), Kvalheim, McKee, Mikell, Morrow, Petelos, Poole, Richardson, Rogers (J), Venable, Walker and Zoghby.

-32

AMENDMENT OFFERED

Representative Holmes offered the following amendment #3 to the bill, H. 92, as amended:

On page 27, line 2, delete the figure "1994" and insert in lieu thereof 1995

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #3 offered by Representative Holmes to the bill, H. 92, as amended, was tabled.

Yeas 68; Nays 24.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Box, Burke, Cagle, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Gaines, Gaston, Goodwin, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McMillan, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Turner, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-68

Nay:

Representatives Barnes, Black (L), Bowling, Bryant, Buskey, Clark (W), Clay, Ford, Freeman, Hamilton, Higginbotham, Holmes, Kennedy, Knight (J), Letson, McClain, McDowell, Melton, Morrow, Newton (D), Perdue, Rogers (J), Starkey and Thomas.

-24

AMENDMENT OFFERED

Representative Venable offered the following amendment #1 to the bill, H. 92, as amended:

On line 24, page 26, delete the language "; prior to the date of the election or nomination,"

On line 26, delete the period after "chapter" and insert: in the appropriate office by noon on the day prior to the election.

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 93; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-93

Nay:

Representative Barnes.

- 1

AMENDMENT OFFERED

Representative Knight (J) offered the following amendment to the bill, H. 92, as amended:

On page 10, delete lines 20 to 24 in their entirety and insert in lieu thereof: continue to solicit contributions after the general election for that term of office if a candidate has a campaign debt after the end of the campaign and files a certified report with the Secretary of State every 60 days after the general election, showing the amount

On page 10, on line 27, delete the words "within 10 days of this

On page 11, delete lines 1 through 3 in their entirety.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Knight (J) to the bill, H. 92, as amended, was tabled.

Yeas 67; Nays 19.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Cagle, Carns, Carothers, Carter, Collins, Cosby, Crow, Curry, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Starkey, Turner, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-67

Nay:

Representatives Barnes, Black (L), Bryant, Buskey, Clark (W), Clay, Dolbare, Holmes, Kennedy, Knight (J), Laird, McClain, Melton, Newton (D), Perdue, Rogers (J), Spratt, Thomas and Walker.

-19

AMENDMENT OFFERED

Representative Gaines offered the following amendment to the bill, H. 92, as amended:

Amend H. 92 on page 8, line 8 by adding after the word "office." the following: "Notwithstanding the foregoing, the costs of meals, room, and travel expenses incurred by the holder of office which are reimbursed by law shall be considered personal use for purposes of this act."

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Gaines to the bill, H. 92, as amended, was tabled.

Yeas 52; Nays 35.

Yea:

Mr. Speaker, Anderson, Barnes, Black (L), Black (M), Bryant, Buskey, Cagle, Carothers, Carter, Clark (W), Clay, Collins, Crow, Dolbare, Drake, Flowers, Ford, Freeman, Hamilton, Hammett, Harper, Harvey, Hilliard, Hogan, Holmes, Hooper, Kennedy, Knight (J), Laird, Lindsey, Mathis, McClain, McDaniel, McMillan,

Melton, Millican, Penry, Perdue, Richardson, Rockhold, Rogers (J), Spratt, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-52

Nay:

Representatives Bowling, Box, Butler, Carns, Cullins, Fuller, Gaines, Gaston, Gullatt, Hall, Hawkins, Higginbotham, Holladay, Holley, Johnson, Kvalheim, Layson, McKee, Mikell, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Rogers (F), Sanderford, Sanderson, Smith (C), Starkey and Turnham.

-35

AMENDMENT OFFERED

Representative Walker offered the following amendment to the bill, H. 92, as amended:

On page 26, after line 26, insert the following language as a new Section 2 and renumber existing Section 2 as Section 3.

Section 2. Any person who owns, directly or indirectly, or holds five percent or more of the combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of a corporation, or the capital interest, or the profits interest of a partnership, or the beneficial interest of a trust, estate, or other unincorporated entity of a gambling interest is prohibited from making any contribution to any candidate, principal campaign committee of any candidate, or political committee which makes a contribution to any candidate, if the candidate is a candidate for an office that regulates the gambling industry or interest or is in a position to regulate the gambling industry or interest. The prohibition provided in this section shall apply to candidates for any office the holder of which appoints a member of a commission the purpose of which regulates or is in a position to regulate the gambling industry or interest and shall include, but not be limited to, candidates for the Legislature and Governor.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Walker to the bill, H. 92, as amended, was tabled.

Yeas 49; Nays 37.

Yea:

Mr. Speaker, Anderson, Barnes, Black (L), Bryant, Burke, Buskey, Cagle, Carothers, Carter, Collins, Cosby, Crow, Flowers, Ford, Fuller, Gaston, Hammett, Harper, Harvey, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Kennedy, Knight (J), Kvalheim, Letson, Mathis, McClain, McMillan, Melton, Millican, Morrow, Newton (D), Parker (P), Penry, Perdue, Rogers (J), Spratt, Thomas, Turner, Venable, Williams and Willis.

-49

Nay:

Representatives Biddle, Blakeney, Box, Butler, Carns, Cullins, Curry, Dolbare, Drake, Freeman, Gaines, Gullatt, Hall, Hamilton, Hawkins, Higginbotham, Johnson, Laird, Layson, McKee, Mikell, Morton, Newton (C), Parker (T), Payne, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Turnham, Walker and Zoghby.

-37

AMENDMENT OFFERED

Representative Parker (T) offered the following amendment to the bill, H. 92, as amended:

On page 2, on line 3, after the period insert:

This bill would place limits on the amount of campaign contributions various entities may contribute.

On page 19, between lines 22 and 23, insert the following:

(g)(1) Contributions to any candidate, elected official, or principal campaign committee participating in each election for state office, other than a circuit, district, or legislative office, whose name, issue, or proposition appears on the ballot, shall be limited to the following:

a. Political action committees: fifteen thousand dollars (\$15,000) per candidate, per election.

b. Individual contributions: five thousand dollars (\$5,000) per candidate, per election.

c. Corporations, professional associations, professional corporations, and limited liability companies: one thousand dollars (\$1,000) per candidate, per election.

d. Partnerships (in addition to b. above): one thousand dollars (\$1,000) per candidate, per election.

(2) Contributions to any candidate, elected official, or principal campaign committee participating in each election to circuit, district, legislative, or local office, whose name, issue, or proposition appears on the ballot, shall be limited to the following:

a. Political action committees: one thousand dollars (\$1,000) per candidate, per election.

b. Individual contributions: one thousand dollars (\$1,000) per candidate, per election.

c. Corporations, professional associations, professional corporations, and limited liability companies: one thousand dollars (\$1,000) per candidate, per election.

d. Partnerships (in addition to b. above): one thousand dollars (\$1,000) per candidate, per election.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Parker (T) to the bill, H. 92, as amended, was tabled.

Yeas 49; Nays 38.

Yea:

Mr. Speaker, Anderson, Barnes, Black (L), Bowling, Bryant, Burke, Buskey, Cagle, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Dolbare, Drake, Flowers, Ford, Fuller, Goodwin, Hall, Hammett, Harper, Harvey, Hill, Hilliard, Hogan, Holmes, Hooper, Kennedy, Knight (J), Mathis, McClain, McDaniel, Melton, Millican, Penry, Richardson, Rogers (J), Spratt, Starkey, Thomas, Turner, Warren, White, Williams and Willis.

-49

Nay:

Representatives Biddle, Box, Carns, Cullins, Freeman, Gaines, Gaston, Gullatt, Hamilton, Hawkins, Haynes, Higginbotham, Holladay, Holley, Johnson, Kvalheim, Laird, Layson, McKee, McMillan, Mikell, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Turnham, Venable and Zoghby.

-38

AMENDMENT OFFERED

Representative Anderson offered the following amendment to the bill, H. 92, as amended:

To amend H. 92 as substituted on page 19 by deleting lines 11 through 22 in their entirety.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Anderson to the bill, H. 92, as amended, was tabled.

Yeas 52; Nays 32.

Yea:

Mr. Speaker, Biddle, Bryant, Burke, Butler, Carns, Carothers, Carter, Clay, Collins, Crow, Drake, Gaston, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Kvalheim, Layson, Mathis, McClain, McDaniel, McKee, McMillan, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Smith (C), Spratt, Starkey, Turner, Turnham, Venable, Williams, Willis and Zoghby.

-52

Nay:

Representatives Anderson, Barnes, Black (L), Black (M), Bowling, Box, Buskey, Cagle, Clark (W), Cosby, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Goodwin, Hall, Holmes, Kennedy, Knight (J), Laird, Letson, Lindsey, Melton, Morrow, Petelos, Rogers (J), Sanderford, Sanderson, Thomas and White.

-32

AMENDMENT OFFERED

Representative Rich offered the following amendment to the bill, H. 92, as amended:

On page 2, on line 3, after the period insert:

This bill would place limits on the amount of campaign contributions various entities may contribute.

On page 19, between lines 22 and 23, insert the following:

(g)(1) Contributions to any candidate, elected official, or principal campaign committee participating in each election for state office, other than a circuit, district, or legislative office, whose name, issue, or proposition appears on the ballot, shall be limited to the following:

a. Political action committees: fifteen thousand dollars (\$15,000) per candidate, per election.

b. Individual contributions: five thousand dollars (\$5,000) per candidate, per election.

c. Corporations, professional associations, professional corporations, and limited liability companies: one thousand dollars (\$1,000) per candidate, per election.

d. Partnerships (in addition to b. above): one thousand dollars (\$1,000) per candidate, per election.

(2) Contributions to any candidate, elected official, or principal campaign committee participating in each election to circuit, district, legislative, or local office, whose name, issue, or proposition appears on the ballot, shall be limited to the following:

a. Political action committees: five thousand dollars (\$5,000) per candidate, per election.

b. Individual contributions: one thousand dollars (\$1,000) per candidate, per election.

c. Corporations, professional associations, professional corporations, and limited liability companies: one thousand dollars (\$1,000) per candidate, per election.

d. Partnerships (in addition to b. above): one thousand dollars (\$1,000) per candidate, per election.

MOTION TO TABLE LOST

The motion offered by Representative Hammett to table the amendment offered by Representative Rich to the bill, H. 92, as amended, was lost.

Yeas 36; Nays 53.

Yea:

Representatives Anderson, Barnes, Black (L), Bryant, Burke, Buskey,

Cagle, Carter, Clark (W), Clay, Collins, Cosby, Crow, Curry, Flowers, Ford, Goodwin, Hammett, Harper, Harvey, Hilliard, Hogan, Holmes, Hooper, Kennedy, Knight (J), Letson, McClain, Millican, Penry, Rogers (J), Spratt, Starkey, Thomas, Turner and Willis.

-36

Nay:

Representatives Biddle, Black (M), Bowling, Box, Butler, Carns, Carothers, Cullins, Dolbare, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hawkins, Haynes, Higginbotham, Hill, Holladay, Holley, Johnson, Knight (A), Kvalheim, Laird, Layson, Mathis, McDaniel, McKee, McMillan, Mikell, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Turnham, Venable, Walker, Warren and White.

-53

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Butler intended to vote "Nay" on the motion offered by Representative Hammett to table the amendment offered by Representative Anderson to the bill, H. 92, as amended.

AMENDMENT TABLED

The question was then on the adoption of the amendment offered by Representative Rich to the bill, H. 92, as amended, and on motion of Representative Hammett, the amendment was tabled.

Yeas 49; Nays 39.

Yea:

Mr. Speaker, Anderson, Barnes, Black (L), Bowling, Bryant, Burke, Buskey, Butler, Cagle, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Curry, Drake, Ford, Fuller, Gaines, Goodwin, Hamilton, Hammett, Harper, Harvey, Hawkins, Holmes, Hooper, Kennedy, Knight (J), Mathis, McClain, McDaniel, McMillan, Millican, Newton (D), Penry, Perdue, Petelos, Richardson, Rogers (J), Sanderson, Spratt, Starkey, Thomas, Turner, Turnham and Williams.

-49

3rd Day

Nay:

Representatives Beasley, Biddle, Black (M), Box, Carns, Crow, Cullins, Freeman, Gaston, Hall, Haney, Hill, Hogan, Holladay, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, McKee, Melton, Mikell, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Rich, Rockhold, Rogers (F), Smith (C), Smith (R), Walker, Warren and Willis.

-39

AMENDMENT OFFERED

Representative Box offered the following amendment #1 to the bill, H. 92, as amended:

On page 14, on line 12, delete the language "or the judge of probate" and insert in lieu thereof: ~~or the judge of probate~~

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Bowling, Bryant, Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-89

AMENDMENT OFFERED

Representative Box offered the following amendment #2 to the bill, H. 92, as amended:

On page 18, delete all the language on lines 24 to 27, inclusive, and insert in lieu thereof the following language: "(c) Campaign funds shall not be used for contributions to other candidates and their principal campaign committees and other candidates and their principal campaign committees shall not receive such contributions. This prohibition shall include direct or indirect contributions and shall include contributions made on behalf of the candidates or their principal campaign committees."

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #2 offered by Representative Box to the bill, H. 92, was tabled.

Yeas 48; Nays 36.

Yea:

Mr. Speaker, Anderson, Barnes, Black (L), Bryant, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Dolbare, Flowers, Freeman, Fuller, Gaines, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Hilliard, Hogan, Holmes, Hooper, Kennedy, Lindsey, McClain, McDaniel, McMillan, Melton, Penry, Richardson, Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turner, Warren, White and Zoghby.

-48

Nay:

Representatives Beasley, Biddle, Black (M), Box, Crow, Cullins, Gaston, Goodwin, Gullatt, Haynes, Holladay, Johnson, Kvalheim, Laird, Layson, Letson, McDowell, McKee, Mikell, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Rich, Smith (R), Turnham, Venable, Walker and Willis.

-36

AMENDMENT OFFERED

Representative Box offered the following amendment #3 to the bill, H. 92, as amended:

On page 5, after line 16, insert the following language: "5. The value or cost of polling data, voter preference data, phone banking, or any other in-kind contribution made with the prior knowledge of the candidate, the elected official, the principal campaign committee, or the political action committee."

On page 6, delete the language on lines 21 to 25, inclusive, and insert in lieu thereof: ~~"6. The value or cost of polling data and voter preference data and information if provided to a candidate or political committee, unless such information was compiled with the advance knowledge of and approval of the candidate or the political committee. A personal gift which is an individual, noncumulative~~ gratuitous transfer of a thing of value that does not constitute a contribution.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #3 offered by Representative Box to the bill, H. 92, as amended, was tabled.

Yeas 58; Nays 33.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Bryant, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Curry, Dolbare, Flowers, Ford, Freeman, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Hill, Hilliard, Hogan, Holley, Holmes, Hooper, Kennedy, Knight (A), Mathis, McClain, McDaniel, McMillan, Melton, Millican, Morton, Parker (P), Payne, Penry, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Spratt, Starkey, Thomas, Turner, Warren, White, Williams, Willis and Zoghby.

-58

Nay:

Representatives Anderson, Beasley, Black (M), Bowling, Box, Cullins, Gaston, Hall, Haynes, Higginbotham, Holladay, Johnson, Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, McDowell, McKee, Mikell, Morrow, Newton (C), Newton (D), Parker (T), Perdue, Petelos, Poole, Powell, Rich, Smith (R), Turnham and Venable.

-33

AMENDMENT OFFERED

Representative Box offered the following amendment #4 to the bill, H. 92, as amended:

On page 19, after line 22, insert the following language: "(g) A political committee may not make contributions to any other political committee.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #4 offered by Representative Box to the bill, H. 92, as amended, was tabled.

Yeas 49; Nays 47.

Yea:

Mr. Speaker, Barnes, Black (L), Bryant, Burke, Buskey, Cagle, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Curry, Dolbare, Flowers, Ford, Gaines, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Hill, Hilliard, Holmes, Hooper, Kennedy, Knight (A), McClain, McDaniel, McMillan, Millican, Penry, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Spratt, Starkey, Thomas, Turner, Warren, White, Williams and Zoghby.

-49

Nay:

Representatives Anderson, Beasley, Biddle, Black (M), Bowling, Box, Butler, Clay, Crow, Cullins, Fuller, Gaston, Goodwin, Haynes, Higginbotham, Hogan, Holladay, Holley, Johnson, Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDowell, McKee, Melton, Mikell, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rich, Rogers (F), Smith (C), Smith (R), Turnham, Venable and Willis.

-47

AMENDMENT OFFERED

Representative Mikell offered the following amendment to the bill, H. 92, as amended:

On page 11, line 22, after the word "purposes" insert the following underlined language: if the value of those expenses is less than two hundred fifty dollars (\$250)

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Mikell to the bill, H. 92, as amended, was tabled.

Yeas 54; Nays 29.

Yea:

Mr. Speaker, Anderson, Barnes, Black (L), Bryant, Cagle, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Dolbare, Drake, Flowers, Ford, Fuller, Hammett, Haney, Harper, Hawkins, Haynes, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (J), Letson, Lindsey, Mathis, McClain, McDaniel, Millican, Morton, Penry, Richardson, Rogers (F), Rogers (J), Smith (C), Spratt, Starkey, Thomas, Turner, Venable, Warren, White, Williams, Willis and Zoghby.

-54

Nay:

Representatives Beasley, Box, Butler, Cullins, Curry, Freeman, Gaines, Gaston, Hall, Hamilton, Higginbotham, Hill, Knight (A), Kvalheim, Laird, Layson, McKee, McMillan, Morrow, Newton (C), Parker (P), Parker (T), Petelos, Poole, Rich, Sanderford, Sanderson, Smith (R) and Walker.

-29

AMENDMENT OFFERED

Representative Freeman offered the following amendment to the bill, H. 92, as amended:

On page 18, delete lines 24 to 27, inclusive, in their entirety and insert in lieu thereof:

(c) Principal campaign committees transferring funds to other principal campaign committees shall within 10 days report the contribution in writing to the Secretary of State. Notwithstanding the foregoing, each report shall be filed with the Secretary of State prior to the election.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Freeman to the bill, H. 92, as amended, was tabled.

Yeas 58; Nays 30.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Bryant, Burke, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Cullins, Dolbare, Flowers, Ford, Gaston, Gullatt, Hall, Hammett, Harvey, Hawkins, Hilliard, Hogan, Holley, Hooper,

Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, Mikell, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Spratt, Starkey, Warren, Williams and Zoghby.

-58

Nay:

Representatives Anderson, Black (L), Bowling, Box, Buskey, Butler, Clark (W), Crow, Drake, Freeman, Gaines, Harper, Haynes, Higginbotham, Hill, Holladay, Holmes, Kennedy, Letson, McKee, McMillan, Morrow, Sanderford, Sanderson, Smith (C), Thomas, Turner, Walker, White and Willis.

-30

AMENDMENT OFFERED

Representative Poole offered the following amendment to the bill, H. 92, as amended:

On page 26, line 3, after the word "election" insert the following: for a state office other than a circuit, district, or legislative office

On page 26, line 18, after the period following the word "limitations" insert the following: Contributions to any candidate, elected official, or principal campaign committee participating in each election to circuit, district, legislative, or local office, whose name, issue, or proposition appears on the ballot, shall be limited to the following:

1. Political action committees: five hundred dollars (\$500) per candidate, per election.
2. Individual contributions: five hundred dollars (\$500) per candidate, per election.
3. Corporations, professional associations, professional corporations, and limited liability companies: five hundred dollars (\$500) per candidate, per election.
4. Partnerships (in addition to 2. above): five hundred dollars (\$500) per candidate, per election.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Poole to the bill, H. 92, as amended, was tabled.

Yeas 58; Nays 29.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Bryant, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Curry, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Hammett, Haney, Harper, Hawkins, Hill, Hilliard, Holley, Hooper, Kennedy, Knight (A), Knight (J), Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McMillan, Millican, Morton, Penry, Petelos, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, White, Williams and Zoghby.

-58

Nay:

Representatives Anderson, Beasley, Black (M), Box, Crow, Cullins, Dolbare, Freeman, Goodwin, Gullatt, Hall, Haynes, Holladay, Johnson, Laird, Layson, McKee, Mikell, Morrow, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Rich, Venable, Warren and Willis.

-29

AMENDMENT OFFERED

Representative Beasley offered the following amendment to the bill, H. 92, as amended:

On page 11, line 20 after the word "employees" insert a period and delete the remainder of the sentence.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Beasley to the bill, H. 92, as amended, was tabled.

Yeas 44; Nays 38.

Yea:

Mr. Speaker, Barnes, Black (L), Bryant, Burke, Buskey, Carter, Clark (W), Clay, Collins, Cosby, Curry, Drake, Flowers, Ford, Freeman, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Hilliard, Holmes, Hooper, Kennedy, Knight (A), Knight (J), Letson, McClain, McDaniel, McMillan, Millican, Morton, Penry, Richardson, Rogers (F), Rogers (J), Smith (C), Spratt, Starkey, Thomas, Turner and White.

-44

Nay:

Representatives Beasley, Black (M), Bowling, Box, Butler, Cagle, Crow, Cullins, Dolbare, Gaines, Gaston, Gullatt, Haynes, Higginbotham, Hill, Hogan, Johnson, Kvalheim, Laird, Mathis, McDowell, McKee, Melton, Mikell, Morrow, Newton (C), Parker (T), Petelos, Powell, Rich, Rockhold, Sanderson, Smith (R), Turnham, Venable, Walker, Warren and Willis.

-38

AMENDMENT OFFERED

Representative Curry offered the following amendment to the bill, H. 92, as amended:

On page 26, after line 26, insert the following language as a new Section 2 and renumber existing Section 2 as Section 3.

Section 2. Any person who owns, directly or indirectly, or holds five percent or more of the combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of a corporation, or the capital interest, or the profits interest of a partnership, or the beneficial interest of a trust, estate, or other unincorporated entity of a gambling interest is prohibited from making any contribution to any candidate, principal campaign committee of any candidate, or political committee which makes a contribution to any candidate, if the candidate is a candidate for an office that regulates the gambling industry.

For purposes of this Act those persons who are considered to regulate the gambling industry are any Racing Commissions created under Alabama law.

MOTION TO TABLE LOST

The motion offered by Representative Hammett to table the amendment offered by Representative Curry to the bill, H. 92, as amended, was lost.

Yeas 35; Nays 51.

Yea:

Mr. Speaker, Anderson, Barnes, Black (L), Black (M), Bowling, Bryant, Buskey, Carter, Clark (W), Drake, Ford, Goodwin, Hamilton, Hammett, Harper, Harvey, Hilliard, Holladay, Holmes, Hooper, Kennedy, Knight (J), Lindsey, McClain, Melton, Morrow, Rogers (J), Spratt, Starkey, Thomas, Turner, Warren, White and Williams.

-35

Nay:

Representatives Beasley, Biddle, Box, Butler, Cagle, Carothers, Clay, Cosby, Crow, Cullins, Curry, Dolbare, Fuller, Gaines, Gaston, Gullatt, Haney, Hawkins, Haynes, Hill, Hogan, Johnson, Knight (A), Kvalheim, Laird, Layson, McDaniel, McDowell, McKee, McMillan, Mikell, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Sanderford, Sanderson, Smith (C), Smith (R), Turnham, Venable, Walker, Willis and Zoghby.

-51

AMENDMENT TABLED

The question was then on the adoption of the amendment offered by Representative Curry to the bill, H. 92, as amended, and on motion of Representative Thomas, the amendment was tabled.

Yeas 48; Nays 39.

Yea:

Mr. Speaker, Anderson, Barnes, Black (L), Black (M), Bowling, Bryant, Burke, Buskey, Cagle, Carothers, Carter, Clark (W), Cosby, Crow, Drake, Ford, Goodwin, Hall, Hammett, Harper, Harvey, Hilliard, Holladay, Holley, Holmes, Hooper, Kennedy, Knight (J), Letson, Mathis, McClain, Melton, Morrow, Newton (D), Parker (P), Perdue, Rockhold, Spratt, Starkey, Thomas, Turner, Venable, Warren, White, Williams, Willis and Zoghby.

-48

Nay:

Representatives Beasley, Box, Butler, Carns, Clay, Cullins, Curry, Dolbare, Fuller, Gaines, Gaston, Hamilton, Haney, Hawkins, Haynes, Higginbotham, Hill, Johnson, Kvalheim, Laird, Layson, McKee, McMillan, Mikell, Morton, Newton (C), Parker (T), Payne, Petelos, Poole, Powell, Rich, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Turnham and Walker.

-39

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Venable offered the motion to reconsider the vote by which the amendment #1 offered by him to the bill, H. 92, as amended, was adopted, and the motion to reconsider was adopted.

AMENDMENT TABLED

The question was then on the adoption of the amendment #1 offered by Representative Venable to the bill, H. 92, as amended, and on motion of Representative Venable, the amendment #1 was tabled.

Yeas 87; Nays 2.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (J), Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-87

Nay:

Representatives Laird and Walker.

- 2

AMENDMENT OFFERED

Representative Venable offered the following amendment #2 to the bill, H. 92, as amended:

On line 24, page 26, delete the language "; prior to the date of the election or nomination,"

On line 26, delete the period after "chapter" and insert: in the appropriate office by noon on the day prior to the election or as otherwise timely filed pursuant to Section 17-22A-10.

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Bryant, Burke, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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And the bill, H. 92, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 10.

Yea:

Mr. Speaker, Anderson, Biddle, Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McMillan, Melton, Millican, Morrow, Morton, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-87

Nay:

Representatives Barnes, Beasley, Freeman, Higginbotham, McDowell, McKee, Mikell, Newton (C), Rogers (J) and Smith (R).

-10

OATH OF OFFICE

The Oath of Office prescribed by the Constitution of the State of Alabama was administered to the Honorable John G. (Jack) Page, Representative-Elect, by the Honorable James S. Clark, Speaker of the House.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Biddle:

H.R. 72. COMMENDING PRESIDENT CLINTON ON PASSAGE OF HIS ECONOMIC DEFICIT TAX PLAN.

Also:

By Representatives Zoghby, Clark (W), Buskey, Gaston, Kvalheim, Box, Kennedy, Harper, Turner, Gullatt, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Goodwin, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams and Willis:

H.R. 73. MOURNING THE DEATH OF THE REVEREND JOHN L. ROCKHOLD, SR. OF MOBILE, ALABAMA.

Also:

By Representative Layson:

H.R. 74. COMMENDING APRIL JONES FOR DEDICATED SERVICE TO THE FIRST UNITED METHODIST CHURCH OF REFORM, ALABAMA.

Also:

By Representative Layson:

H.R. 75. COMMENDING REBECCA "BECKY" FULLER FOR DEDICATED SERVICE TO THE FIRST UNITED METHODIST CHURCH OF REFORM, ALABAMA.

RECESS

On motion of Representative Dolbare, the House recessed until 7:30 o'clock p.m.

HOUSE RECONVENED

The hour of 7:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

BILLS ON THIRD READING RESUMED

And the bill:

H. 93. (With Substitute): Relating to the State Ethics Law; defining certain terms; conforming certain provisions to those terms; making technical nonsubstantive changes; increasing the membership of the commission and providing for the method of filling vacancies; providing for the promulgation of rules and regulations; requiring the recording of proceedings and the preservation of the records; specifying the procedure for the issuance of advisory opinions; requiring that investigative matters remain confidential and providing penalties for violations; providing a procedure for processing a complaint, including a complaint filed by a complainant requesting anonymity, and for offering the respondent a right to participate; providing a procedure for conducting an investigation and a hearing; providing a procedure for the subpoena of evidence; prohibiting certain public officers and public employees from entering into a contract with their former office or agency for a certain time; revising the statement of economic interests; specifying the procedure to be used to remove a candidate from the ballot; requiring lobbyists and principals to file additional information; prohibiting public officials and public employees from soliciting a thing of value or certain costs and prohibiting a lobbyist from satisfying such a solicitation; creating the crime of wanton false reporting of a complaint and false reporting of a complaint and prescribing criminal penalties; permitting the recovery of attorney fees in a civil action; and amending Sections 36-25-1 to 36-25-30, inclusive, Code of Alabama 1975.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the State Ethics Law; defining certain terms; conforming certain provisions to those terms; making technical nonsubstantive changes; increasing the membership of the commission and providing for the method of filling vacancies; providing for the promulgation of rules and regulations; requiring the recording of proceedings and the preservation of the records; specifying the procedure for the issuance of advisory opinions; requiring that investigative matters remain confidential and providing penalties for violations; providing a procedure for processing a complaint, including a complaint filed by a complainant requesting anonymity, and for offering the respondent a right to participate; providing a procedure for conducting an investigation and a hearing; providing a procedure for the subpoena of evidence; prohibiting certain public officers and public employees from entering into a contract with their former office or agency for a certain time; revising the statement of economic interests; specifying the procedure to be used to remove a candidate from the ballot; requiring lobbyists and principals to file additional information; prohibiting public officials and public employees from soliciting a thing of value or certain costs and prohibiting a lobbyist from satisfying such a solicitation; creating the crime of wanton false reporting of a complaint and false reporting of a complaint and prescribing criminal penalties; permitting the recovery of attorney fees in a civil action; and amending Sections 36-25-1 to 36-25-30, inclusive, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 36-25-1 and 36-25-2, Code of Alabama 1975, are amended to read as follows:

"§36-25-1.

"Whenever used in this chapter, the following words and terms shall have the following respective meanings ~~unless the context clearly indicates otherwise~~:

"(1) BUSINESS. Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, or ~~and~~ any other legal entity.

"(2) BUSINESS WITH WHICH ~~HE~~ THE PERSON IS ASSOCIATED. Any business of which the person or a member of his or her family is an officer, owner, partner, employee, ₂ or holder of more than 10 percent of the fair market value of ~~such~~ the business.

"(3) **CANDIDATE FOR PUBLIC OFFICE.** Any person who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, and any person who has been nominated for appointment to serve as a public official.

"(4) **COMMISSION.** The state ethics commission.

"(5) **COMPLAINANT.** The person or persons who allege a violation or violations of this chapter by filing a complaint against a respondent.

"(6) **LOBBYING.** The practice of promoting or opposing the introduction or enactment of legislation before the legislature or the members of a legislative committee or the members thereof committee, and shall also include the practice of promoting or opposing executive approval of legislation.

"(7) **LOBBYIST.** All persons who seek to encourage the passage, defeat, or modification of any legislation. ~~except~~ The term shall not include: (1) Members members of the Alabama legislature Legislature; or any (2) Any person who, on an isolated basis and without the intent to continue beyond a single day during a session of the Alabama legislature merely Legislature, contacts a member of the Legislature or appears before a committee or committees of the legislature in his an individual capacity to express support or opposition to any legislation; -or on (3) Any person who contacts a member of the Legislature or appears before a committee or committees of the Legislature on behalf of a corporation, partnership, association, or other business entity, with which such the person is regularly associated as an employee, officer, member, or partner without receiving additional salary or compensation other than reasonable and ordinary travel expenses, to express support of or opposition to any legislation. -and who A lobbyist shall so declare to a member, members or committee of the legislature Legislature with whom he or she discusses any proposed legislation the capacity in which he or she is acting.

"(9) **(8) PUBLIC EMPLOYEE.** Any person employed at the state, county, or municipal level of government or their instrumentalities who is paid in whole or in part from state, county, or municipal funds.

"(10) **(9) PUBLIC EMPLOYEE'S FAMILY.** The employee's spouse and dependents.

"(11) **(10) PUBLIC OFFICIAL.** Any person elected to public office by the vote of the people at state, county, or municipal level of government or their instrumentalities and any person appointed to a position at the state, county, or municipal level of government or their instrumentalities. Public official includes any person who is in the position of one elected to a public office but has not yet taken the oath of office or assumed the official duties of that office, or both.

"(12) **(11) PUBLIC OFFICIAL'S FAMILY.** The official's spouse and dependents.

"(9) (12) REPORTING YEAR. The reporting official's or employee's fiscal tax year as it applies to his or her United States personal income tax ~~return(s)~~ return.

"(13) RESPONDENT. The person alleged to have violated this chapter and against whom an ethics complaint has been filed.

"(5) (14) STATEMENT OF ECONOMIC INTERESTS. A financial disclosure form which ~~must~~ shall be completed and filed with the ~~state~~ ethics commission prior to April 30 of each year covering the preceding calendar year by all elected public officials, ~~and those~~ appointed public officials and public employees who occupy positions paying ~~\$25,000.00~~ forty thousand dollars (\$40,000) or more annually, and all candidates for elected public office within five days of becoming a candidate for elected public office."

"(15) THING OF VALUE. Any individual gift, favor, service, gratuity, special discount, unsecured loan (other than those made in the ordinary course of business), reward, or promise of future employment. A thing of value does not include fees, honorariums, or seasonal gifts, if the aggregate value of these items is less than two hundred fifty dollars (\$250) during any one calendar year. A thing of value shall not include expenses associated with social occasions afforded public officials and public employees, nor shall a thing of value include reasonable transportation and lodging and meal expenses for educational or informational purposes."

"§36-25-2.

"(a) The Legislature hereby finds and declares:

"(1) It is essential to the proper operation of democratic government that public officials be independent and impartial; ~~that governmental~~.

"(2) Governmental decisions and policy should be made in the proper channels of the governmental structure; ~~that public~~.

"(3) No public office ~~not should~~ be used for private gain other than the remuneration provided by law; ~~and that~~.

"(4) It is important that there be public confidence in the integrity of government.

"(5) The attainment of one or more of ~~these~~ the ends sets forth in this subsection is impaired whenever there exists a conflict between the private interests of an ~~elected~~ a public official or a government public employee and his ~~the duties as such of the public official or public employee~~.

"(6) ~~The public interest, therefore,~~ requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to the conduct of elected public officials and government public employees in situations where conflicts exist.

"(b) It is also essential to the proper operation of government that those best qualified be encouraged to serve the government. Accordingly, legal safeguards against conflicts of interest must be so designed as not unnecessarily or unreasonably to impede the recruitment and retention by the government of those men and women who are best qualified to serve it. An essential principle underlying the staffing of our government structure is that its elected public officials and public employees should not be denied the opportunity, available to all other citizens, to acquire and retain private economic and other interests, except where conflicts with the responsibility of such elected public officials and public employees to the public cannot be avoided.

"(c) ~~The legislature hereby~~ Legislature declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to individual members of the legislature, to committees of the legislature Legislature, and to officials of the executive branch, their opinions on legislation, on pending executive actions, and on current issues; ~~and that, to.~~ To preserve and maintain the integrity of the legislative and administrative processes, it is necessary that the identity, expenditures, and activities of certain persons who engage in efforts to persuade members of the legislature Legislature or members of the executive branch to take specific actions, either by direct communication to such these officials, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. ~~The provisions of this~~ This chapter shall be liberally construed to promote complete disclosure of all such information and ~~so~~ as to assure that the public interest will be is fully protected.

"(d) It is the policy and purpose of this chapter to implement these objectives of protecting the integrity of all governmental units of this state and of facilitating the recruitment and retention of qualified personnel by prescribing essential restrictions against conflicts of interest in state government without creating unnecessary barriers to the public service."

Section 2. Section 36-25-3, Code of Alabama 1975, is amended to read as follows:

"§36-25-3.

"(a) ~~There is hereby created a~~ The state ethics commission which shall be composed of ~~five~~ seven members, each of whom shall be a fair, equitable citizen of this state and of high moral character. The following persons shall not be appointed as members:

"(1) A public official holding an elected office.

"(2) A candidate for public office.

"(3) A lobbyist registered pursuant to Section 36-25-18.

"(4) A public employee.

No member of the commission shall be eligible for appointment to succeed himself or herself, whether the current term is a full term or the unexpired portion of the term of a prior member. ~~The members of such commission shall be appointed by the following officers: the governor, the lieutenant governor and the speaker of the house of representatives and shall assume their duties upon confirmation by the senate. The members of the first commission shall be appointed for terms of office expiring one, two, three, four and five years, respectively, from September 1, 1975. Successors to the members of this first commission shall each be appointed for terms of five years and until their successors are appointed and have qualified. If at any time there should be a vacancy on the commission, a successor member to serve for the unexpired term applicable to such vacancy shall be appointed by the governor. At least two members of the commission shall be black. Each new member shall serve a seven-year term. The amendatory act of the 1993 First Special Session which amends this section shall not extend the term of any present member. Notwithstanding the foregoing, the initial term of the sixth member shall be for a period of six years. The initial appointment of the sixth member shall be made by the Governor. The initial appointment of the seventh member shall be made by the Lieutenant Governor, or in the absence of a Lieutenant Governor, the President Pro Tempore of the Senate. Vacancies shall be filled on a rotating basis in the following order:~~

"(1) The Governor.

"(2) The Lieutenant Governor, or in the absence of a Lieutenant Governor, the President Pro Tempore of the Senate.

"(3) The Speaker of the House.

Members shall be confirmed by the Senate prior to assuming their duties. Vacancies shall be filled for the remainder of the term by the original appointing authority. The commission shall elect one member to serve as chairman chair of the commission and one member to serve as vice-chairman vice-chair. The vice-chairman vice-chair shall act as chairman chair in the absence or disability of the chairman chair or in the event of a vacancy in that office. ~~As soon as all the members of the board have been appointed, the governor shall call and provide for the holding of an organizational meeting of the commission.~~

"(b) A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission, and three ~~four~~ members thereof shall constitute a quorum. Unless otherwise provided in this chapter, the commission shall take action only upon majority vote of the commissioners appointed and confirmed.

"(c) The commission shall at the close of each fiscal year report to the legislature Legislature and the governor ~~concerning~~ Governor each of the following:

"(1) The ~~the~~ action it has taken;

"(2) The ~~the~~ names, salaries, and duties of all individuals in its employ, and ~~the money it has~~

"(3) Money disbursed, ~~and shall make such further reports on the~~

"(4) Other relevant matters within its jurisdiction ~~and such recommendations for further legislation as may appear desirable.~~

"(5) Recommendation for desirable legislation.

"(d) Members of the commission shall, while serving on the business of the commission, ~~be entitled to receive compensation at the rate of \$50.00~~ fifty dollars (\$50) per day, and ~~each such member shall be paid his travel expenses incurred in the performance of his duties as a member of the commission as other state employees and officials are paid when approved by the chairman thereof~~ chair.

"(e) All members, officers, agents, attorneys, and employees of the commission shall be subject to ~~the provisions of this chapter and also to the provisions of law prohibiting political activities by state employees.~~

"(f) The commission shall appoint an executive director and ~~such other necessary staff as is needed~~. All ~~such~~ appointees shall serve at the pleasure of the commission. All ~~such~~ employees, except for the executive director, shall be employed subject to the ~~provisions of the state merit system law~~, and their compensation shall be prescribed pursuant to ~~such~~ law. The compensation of the executive director shall be fixed by the commission, ~~but shall not exceed such amount as heretofore or as may hereafter be allowed by law for such officer, and shall be payable as are the salaries of other state employees.~~ The executive director shall be responsible for the administrative operations of the commission and shall perform ~~such any other duties as may be delegated or assigned to him from time to time by regulation or order of the commission.~~ However, the Notwithstanding the foregoing, the commission shall not delegate the making of regulations to the executive director. The commission may require the executive director to draft regulations, but no regulation shall be implemented by the executive director until adopted by ~~the commission members~~ the commission in accordance with Sections 41-22-1 to 41-22-27, inclusive, Code of Alabama 1975, the Alabama Administrative Procedure Act.

"(g) The commission ~~is hereby authorized, when in its discretion the ends of justice will be thereby served, to~~ may waive any rule or regulation presented relative to any disclosure statement; ~~provided, that such~~ if the waiver is done in writing, stating states the reason why, and is made a part of the public record."

Section 3. Sections 36-25-4 to 36-25-30, inclusive, Code of Alabama 1975, are amended to read as follows:

"§36-25-4.

~~"It shall be the duty of the commission:~~ The commission shall perform each of the following duties:

"(1) ~~To prescribe~~ Prescribe forms for statements required to be filed by this chapter and ~~to furnish such~~ those forms to persons required to file ~~such~~ the statements.

"(2) ~~To prepare~~ Prepare and publish a manual setting forth recommended uniform methods of reporting for use by persons required to file statements ~~required by this chapter.~~

"(3) ~~To accept~~ Accept and file any information voluntarily supplied that exceeds the requirements of this chapter.

"(4) ~~To develop~~ Develop a filing, coding, and cross-indexing system consonant with the purposes of this chapter.

"(5) ~~To make~~ Make reports and statements filed with it available at reasonable hours to responsible public inquiry subject to such regulations as the commission may prescribe including, but not limited to, regulations requiring identification by name, occupation, address, and telephone number of each ~~such~~ person examining information on file with the commission; ~~provided, that no~~ No copies of reports and statements will may be removed from the office of the ~~state~~ ethics commission.

"(6) ~~To preserve such~~ Preserve these reports and statements for a period of six years from date of receipt.

"(7) ~~To make~~ Make investigations with respect to statements filed under the ~~provisions of this chapter, and with respect to alleged failures to file any statement required under the provisions of this chapter and, upon complaint by any individual with respect to an alleged violation of any part of this chapter as provided in subdivision (14); and, whenever~~ When, in its opinion, a thorough audit of any person or any business should be made in order to determine whether this chapter has been violated, the commission shall direct the examiner of public accounts to have such the audit made and a report thereof filed with the commission. The examiner of public accounts shall upon receipt of such the directive immediately comply therewith.

"(8) ~~To report~~ Report suspected violations of law to the appropriate law-enforcement authorities.

~~"(9) To issue upon request and publish advisory opinions on the requirements of this chapter, based on a real or hypothetical set of circumstances. The written opinion of the state ethics commission provided to anyone shall protect such person to whom it is directed from liability to either the state, county or municipal subdivision of the state because of any official action or actions performed as directed or advised in such opinion. Issue upon request, and publish with all names and identifying features eliminated, advisory opinions regarding this chapter, based on a real or hypothetical set of circumstances. The commission shall issue an advisory opinion not later than the next regularly scheduled meeting of the commission after the receipt of the request for the opinion. If the request is received within 10 days prior to the next regularly scheduled meeting of the commission, the commission shall issue the advisory opinion at the meeting following the next regularly scheduled meeting. Advisory opinions issued pursuant to this section shall be effective and deemed valid until expressly overruled or altered by the commission. This power of the commission is in addition to the power of the Attorney General to issue upon request, and to publish with all names and identifying features eliminated, formal advisory opinions regarding this chapter, based on a real or hypothetical set of circumstances. The written opinions of the commission or the Attorney General shall protect the person who requested the opinion and any other person reasonably relying on the opinion in a materially similar circumstance from liability to the state, county, or a municipal subdivision of the state for any official action or inaction taken in reliance on the opinion. The opinions of the commission shall be available for review and inspection by the public within five working days from the date the opinion is adopted by the commission.~~

~~"(10) Record, through the use of a tape recording device or in a transcribed form through the use of a court reporter, all meetings and proceedings of the commission. The commission shall preserve these records for six years.~~

~~"(10) To initiate~~ (11) Initiate and continue programs for the purpose of educating candidates, officials, employees, and citizens of Alabama on matters of ethics in government service.

~~"(11) To~~ (12) In accordance with Sections 41-22-1 to 41-22-27, inclusive, Code of Alabama 1975, the Alabama Administrative Procedure Act, prescribe, publish, and enforce rules and regulations to carry out the provisions of this chapter. ~~No such rules and regulations, however, shall be adopted until notice thereof is given by publication at least 30 days prior to the date set for adoption thereof and an opportunity afforded to the public to appear and contest such rules and regulations. The commission is authorized only to make rules and regulations on the subject matter specifically mentioned in this chapter.~~

~~"(12) After the commission has been organized pursuant to this chapter and has prescribed the rules and regulations and adopted and promulgated such rules and regulations, it shall give notice for 60 days prior thereto of the day on which such rules and regulations shall become effective throughout this state and other provisions of this chapter shall be thereby implemented.~~

~~"(12) No member nor employees of said commission shall make any public statement or give out any information concerning any complaint against any individual until the investigation of said complaint is completed and the commission has taken final action as to the disposition of said complaint.~~

"(13) a. No past or present complainant during an investigation, past or present witness, member of the commission, the executive director, staff, employee, or other person engaged by the commission, a district attorney or the staff of a district attorney, the Attorney General or the staff of the Attorney General, or any other person shall willfully at any time directly or indirectly, conditionally or unconditionally, by any means whatever, reveal, disclose or divulge or attempt or endeavor to reveal, disclose, or divulge or cause to be revealed, disclosed, or divulged, any knowledge or information pertaining to any questions, considerations, debates, deliberations, opinions, or votes on any case, investigation, complaint, evidence, or other matter taken within or occurring before the commission. No person shall, at any time, directly or indirectly, conditionally or unconditionally by any means whatever, corruptly or with intent to influence such a person or by threat of harm to the person or the property of the person, or by force applied to the person or the property, or by threatening letter or communication, or by offer of reward, remuneration, gift, benefit, or thing of value of whatever nature or kind, obtain or endeavor to obtain, any information pertaining to, or any knowledge of any questions, considerations, debates, deliberations, opinions, or votes on any complaint, investigation, case, evidence, or other matter taken or transpiring within or before the commission.

"b. No person shall willfully by any means whatever, directly or indirectly, conditionally or unconditionally, obstruct, impede, prevent, or attempt or endeavor to obstruct, impede, or prevent any person summoned, subpoenaed, or called to testify before the commission or who may be summoned, subpoenaed, or called before the commission from attending or appearing. No person shall, by any means whatever, directly or indirectly, conditionally, or unconditionally induce, coerce, or attempt or endeavor to induce or coerce any person to give any false testimony or withhold any true testimony within or before the commission.

"c. No person shall injure or endeavor to injure the property or person of any complainant, witness, or other person as a result of their participation in, appearance, or testimony before the commission.

"d. All persons testifying before the commission shall submit to an oath or affirmation of secrecy. The failure of a person to be so sworn shall not relieve the person of any criminal liability imposed by this section.

"e. The prohibitions against disclosure pursuant to this subdivision shall not apply to any district attorney or the Attorney General or members of their staff or witnesses from the date of the initiation of a criminal prosecution regarding prosecutions for violations of this chapter.

~~"f. Any member or employee of said commission person who violates the provisions of this section subdivision shall be guilty of a Class A misdemeanor, and upon conviction be sentenced to the county jail for one year or be fined up to \$1,000.00, or both.~~

"(14) Perform investigatory functions within its authority. The commission shall not take any investigatory action on a telephonic or written complaint against a public official respondent so long as the complainant remains anonymous. Investigatory action on a complaint from an identifiable source complainant shall not be initiated until if the true identity of the source complainant has been ascertained and written verification of such the ascertainment is in the commission's files. The complaint shall set forth in detail the specific charges against a respondent, and the factual allegations which support those specific charges. The commission shall dismiss a complaint containing allegations against more than one respondent. A complainant may file multiple complaints.

"A complainant filing a complaint with the commission may request anonymity and may request the commission replace his or her name with the word anonymous if the following requirements are satisfied:

"1. The commission has verified the true identity of the complainant and this written verification is maintained in the files of the commission.

"2. The complaint sets forth in detail the specific charges against the respondent, and the factual allegations which support the specific charges.

If such a request for anonymity is made, the commission shall assign a code number to the complaint and remove the name of and any references to the complainant from the complaint. The name of the complainant and the corresponding code number shall be sealed and kept in a secure location. Except as required by this section, only the commission shall know the name of the complainant. Any person, who without statutory authority willfully and intentionally divulges the name of a complainant who requests anonymity, is guilty of a Class A misdemeanor.

~~"In all matters that come before the commission concerning a complaint on an individual, the laws of due process shall be strictly adhered to.~~

"(15) Make a written determination whether there is probable cause to proceed with an investigation based upon the charges, factual allegations, and supporting evidence provided in a complaint, including a complaint received from a complainant requesting anonymity. This written determination shall be made within 30 days from the date a complaint is filed pursuant to this chapter, unless the commission makes a written determination that there is a compelling need for additional time, in which event the 30-day period may be extended for an additional 30 days. The factors to be considered by the commission in reaching a determination of probable cause shall include each of the following:

"a. Whether the complainant has sufficiently alleged a violation of this chapter.

"b. Whether the complainant has personal knowledge or has offered admissible evidence of the alleged violation.

"c. Whether advisory opinions of the commission or the Attorney General or prior formal or informal opinion letters from the commission support the charge that the respondent has violated this chapter.

"(16) Dismiss a complaint, if within 30 days after the complaint is filed, or within 30 days after an extension is granted, the commission does not make a written determination that probable cause exists to proceed with an investigation. At the time a complaint is dismissed, written notice shall be delivered to the respondent by certified mail specifying the details of the complaint, the name of the complainant, including the name of a complainant who requested anonymity, and verification that the complaint has been dismissed. At the time a complaint is dismissed, if the commission determines that the complainant may have violated the criminal prohibitions provided in Section 36-25-25, the commission shall refer the matter to the appropriate district attorney or to the Attorney General.

"(17) Commence an investigation upon a written determination of probable cause. At the time a written determination of probable cause is made by the commission, the commission shall immediately notify the respondent by certified mail of the specific charges in the complaint and the name of the complainant, including the name of a complainant who requested anonymity. The investigation shall conclude within 60 days of the date of the written determination. If the commission determines there is a compelling need for additional time, the commission may by vote extend the period of investigation an additional 30 days.

"(18) If an investigation is commenced, ensure the respondent charged in the complaint has a right to participate in the proceedings, either directly or through his or her representative or both. The respondent may examine and make copies of all evidence in the possession of the commission relating to the charges. The same discovery techniques that are available to the commission shall be equally available to the respondent, including the right to request the commission to request the subpoena of witnesses or materials and the right to conduct depositions. The commission shall not require the respondent to be a witness against himself or herself.

"(19) Request the subpoena of records or the testimony of witnesses if the commission certifies a compelling need. Upon making this certification, the commission may request the district attorney of the county in which the respondent resides to issue subpoenas to obtain the records or testimony. Within two working days of the date of the request, the commission shall notify the respondent by certified mail of the request for the subpoena. Prior to the issuance of any subpoena, the district attorney shall certify in writing each of the following:

"a. The investigation is warranted.

"b. There is probable cause to believe this chapter has been violated.

"c. The issuance of the subpoena is necessary for the completion of the investigation.

This certification shall be filed with the commission. If the district attorney refuses to issue a subpoena, the commission may request the Attorney General to issue the subpoena. Within two working days of the date of the request for the subpoena, the commission shall notify the respondent of the request for the subpoena. Prior to the issuance of a subpoena, the Attorney General shall certify in writing each of the following:

"1. The investigation is warranted.

"2. There is probable cause to believe this chapter has been violated.

"3. The issuance of the subpoena is necessary for the completion of the investigation.

This certification shall be filed with the commission. If a subpoena is issued pursuant to this subdivision, the time for completion of the investigation by the commission shall be stayed from the date of the issuance of the subpoena until the date the records or testimony sought have been obtained or delivered to the commission or its staff.

"(20) Review and permit the executive director and any staff, employee, or any other person engaged by the commission and under the direction and supervision of the executive director to review the testimony and records obtained under this section. The prohibitions relating to non-disclosure and secrecy of testimony and records contained in subdivision (13) of this section shall strictly apply to the commission, executive director, staff, employee, or any other person engaged by the commission. Nothing contained in this section shall be deemed to prohibit the commission and the executive director, or any staff, employee, or any other person engaged by the commission from meeting with, discussing, or disclosing information gathered during the investigation with the respondent or the representative of the respondent, or both.

"(21) Conduct a hearing with the respondent or the representative of the respondent, or both. The hearing shall be conducted at the conclusion of the investigation. The commission shall give the respondent written notice by certified mail of the date of the hearing at least 14 days prior to the hearing. The hearing shall be closed and the respondent or representative of the respondent shall have a sufficient opportunity to respond to the complaint and the preliminary findings of the investigation. At the conclusion of the hearing, the commission shall vote whether further action is warranted. If the commission votes that further action is

warranted, the commission shall refer the matter to the district attorney of the county in which the respondent resides. If the district attorney fails to take appropriate action within a reasonable time, the commission may refer the matter to the Attorney General.

"(22) Strictly adhere to the requirements of due process in all matters and proceedings before the commission."

"§36-25-5.

"(a) No public official or public employee shall may use an official position or office to obtain direct personal financial gain for himself or herself, or his a member of the family of the public official or public employee, or any business with which he the person or a member of his family member is associated unless such the use and or gain are is specifically authorized by law. An interest or gain on the part of a person which is common to all persons similarly situated, or when there is a general benefit to other citizens in the class to which the person belongs, shall not constitute a direct personal financial gain.

"(b) Unless prohibited by the Alabama Constitution of Alabama of 1901, nothing herein shall be construed to prohibit a legislator from introducing bills and resolutions, serving on committees, or from making statements or taking action in the exercise of his or her legislative duties.

"(c) Nothing herein shall be construed to prohibit any public official or public employee from casting his or her vote on behalf of the people he or she may represent on any ordinance, resolution, or other action in the exercise of the position for which he or she was elected or appointed."

"§36-25-6.

"No person shall offer to or give to a public official, or public employee, or member of his the family of the public official or public employee, and none of the aforementioned no public official, public employee, or member of the family of the public official or public employee shall solicit or receive anything a thing of value, including a gift, favor or service or a promise of future employment, based on any understanding that the vote, official actions, decisions, or judgment of the intended recipient or family member would be influenced thereby. Expenses associated with social occasions afforded public officials and employees shall not be deemed a thing of value within the meaning of this section or prohibited hereby."

"§36-25-7.

"(a) No public official, or public employee, or a member of the his family of the public official or public employee shall solicit or receive any money in addition to that received by the public official or public employee in his or her official capacity for advice or assistance on matters concerning the legislature

Legislature, an executive department, or any public regulatory board, commission, or other body which might influence the judgment of the public official or public employee in regards to matters which might come before the public official or public employee in the governmental position held by the public official or public employee.

"(b) No public official or public employee or business with which ~~he~~ the person is associated shall receive any fee, salary, wages, or other compensation for services provided to the state or any of its agencies or to any county, ~~or~~ municipality, or instrumentalities thereof unless a disclosure statement provided for in this section ~~shall be~~ is filed with the commission by the person rendering the services.

"(c) The disclosure statement shall include all of the following information:

"(1) The name of the employer;

"(2) The amount of the compensation received for the employment; ~~and~~.

"(3) The date of employment."

"§36-25-8.

"No public official or public employee shall use or disclose confidential information gained in the course of or by reason of his or her position or employment in any way that could result in financial gain other than his or her regular salary as a public official or public employee ~~such state officer for himself, his the public official, public employee, a member of the family of the public official or public employee,~~ or for any other person."

"§36-25-9.

"(a) Unless expressly provided otherwise by law, no person shall serve as a member or employee of a state, county, or municipal regulatory board or commission or other body that regulates any business with which ~~he~~ the person is associated. ~~Nothing herein shall prohibit~~ Notwithstanding the forgoing, real estate brokers, agents, developers, appraisers, mortgage bankers, or other persons in the real estate field, or other state-licensed professionals, ~~are not prohibited from~~ serving on any planning boards or commissions, housing authorities, zoning ~~board boards~~, boards of adjustment, code enforcement ~~board boards~~, boards, industrial ~~board boards~~, utilities ~~board boards~~, or other state board boards or ~~commission commissions~~.

"(b) ~~All county~~ County or municipal regulatory boards, authorities, or commissions currently comprised of any real estate brokers, agents, developers, appraisers, mortgage bankers or other persons in the real estate industry may allow ~~these~~ those individuals to continue to serve out their current ~~term~~ terms if

appointed before December 31, 1991, ~~except that at.~~ At the conclusion of such the current term, subsequent appointments shall reflect ensure that the membership of real estate brokers and agents on the board shall not exceed more than one less of a majority of any county or municipal regulatory the board or commission. The aforementioned limitation shall become effective January 1, 1994.

"(c) No member of any county or municipal ~~agency; regulatory board, or commission shall vote on, or participate on in, any matters matter in which said member he or she or a member of his or her immediate family of said member has any financial gain or interest in the outcome of said vote.~~

"(d) All acts, actions, and votes taken by a county or municipal regulatory such local boards and commissions board or commission between January 1, 1991 and December 31, 1993 are hereby affirmed and ratified."

"§36-25-10.

"If a public official, ~~or~~ public employee, or a member of ~~his~~ the family of the public official or public employee, or a business with which ~~any of them~~ the person is associated, ~~shall for a fee represent~~ represents a client or constituent for a fee before any quasi-judicial board or commission, governmental regulatory agency or executive department or agency, notice of ~~such the~~ representation ~~must~~ shall be given within five days after the first day of such appearance. Notice shall be filed with to the state ethics commission in the manner prescribed by the commission it. No member of the legislature Legislature shall for a fee, reward, or other compensation represent any person, firm, or corporation before the ~~public service commission Public Service Commission or the state board of adjustment State Board of Adjustment.~~"

"§36-25-11.

"Unless exempted under Alabama competitive bid laws pursuant to Article 2 (commencing with Section 41-16-20) and Article 3 (commencing with Section 41-16-50), Chapter 16, Title 41, or unless otherwise permitted to do so under law, no public official, ~~or~~ public employee, or a member of ~~his~~ the family of the public official or public employee, and no business with which ~~any of them~~ the person is associated shall enter into any contract to provide goods or services which is to be paid in whole or in part out of state, county, or municipal funds unless the contract has been awarded through a process of public notice and competitive bidding and a copy of ~~such the~~ contract is filed with the commission. All such contract awards shall be made as a result of original bid takings, and no awards from negotiations after bidding shall be allowed. A copy of each contract, regardless of the amount, entered into by a public official, public employee, family member of the family of a public official or public employee and any business with which ~~any of them~~ the person is associated shall be filed with the ~~state ethics~~ commission."

"§36-25-12.

"No person shall offer or give to a member or employee of a governmental agency, board, or commission that regulates a business with which ~~such the~~ person is associated, and no member or employee of a governmental regulatory agency, board, or commission shall solicit or accept from any ~~such~~ person ~~anything~~ a thing of value including a promise of future employment or a favor or service while the member or employee is associated with the regulatory agency, board, or commission. ~~Expenses associated with social entertainment afforded members and employees shall not be deemed a thing of value within the meaning of this section.~~"

"§36-25-13.

"(a) No former state public official or public employee shall serve for a fee as a lobbyist or represent clients before the body, agency, or department of which he or she is a former member or employee for a period of three years after he ~~leaves~~ leaving such membership or employment, unless notice of ~~such the~~ representation is given within five days after ~~such the~~ appearance. Notice shall be filed with the state ethics commission in the manner prescribed by the commission it.

"(b) After leaving a public agency or office, no ~~No~~ former public official or public employee shall enter into a contract with any governmental agencies the public agency or office with which he or she formerly served or was employed for a period of two years after termination of his or her service or employment. This section shall not be applicable to supernumerary classifications established by law prior to the effective date of the act amending this subsection. This section shall not be applicable to former employees of the Legislature possessing unique expertise, knowledge, or skill. unless within five days of entering into said contract notice is filed with the commission of his previous status as a public official or employee and a copy of the contract provided.

"§36-25-14.

"(a) A statement of economic interests ~~must~~ shall be completed and filed in accordance with ~~the provisions of this chapter with the state ethics commission~~ no later than April 30 of each year covering the period of the preceding calendar year by the following persons: 1) Elected public officials. 2) Appointed public officials who occupy a position paying forty thousand dollars (\$40,000) or more annually. 3) Public employees who occupy a position paying forty thousand dollars (\$40,000) or more annually. ~~all elected public officials at the state, county or municipal level of government or their instrumentalities and any person appointed as a public official or employed as a public employee at the state, county or municipal level of government or their instrumentalities who occupies a position paying \$25,000.00 or more annually. Such~~ The statement shall be made on a form provided by the commission and shall contain all of the following information on the person making ~~such the~~ filing:

"(1) Name, residential address, business; the name and address of living spouse, minor and dependent children, adult children, parents, brothers and sisters, and, to the best of his or her knowledge, the principal occupation of each of these persons;

"(2) A list of ~~occupation(s)~~ occupations to which one third or more of working time was given during the previous reporting year by the filing public official or public employee and the spouse of the public official or public employee;

"(3) A listing of total combined family income of the public official or public employee during the most recent reporting year as to income from salaries, fees, dividends, profits, commissions, and other compensation from any business doing business in Alabama and a listing of the names of each business and the income derived from such business in the following categorical amounts: Less than \$1,000.00 one thousand dollars (\$1,000); at least \$1,000.00 one thousand dollars (\$1,000) and less than \$10,000.00 ten thousand dollars (\$10,000); at least ten thousand dollars (\$10,000) and less than twenty-five thousand dollars (\$25,000); at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000) and less than two hundred fifty thousand dollars (\$250,000); at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000); at least five hundred thousand dollars (\$500,000) and less than one million dollars (\$1,000,000); and one million dollars (\$1,000,000) or more. ~~\$10,000.00 or more; further, the~~ The person reporting shall name any business or subsidiary thereof in which he or she or his or her spouse or dependents, jointly or severally, own one tenth or more of the stock or in which he or she or his or her spouse serves as an officer, director, trustee, or consultant where such service provides income of more than \$1,000.00 one thousand dollars (\$1,000) for the reporting period;

"(4) If the filing public official or public employee, or his or her spouse, has engaged in a business during the last reporting year which provides legal, accounting, medical or health related, real estate, banking, insurance, educational, farming, engineering, architectural, management, or other professional services or consultations, ~~then~~ the filing party shall report the number of clients of such the business in each of the following categories and the income in categorical amounts received during the reporting period from the combined number of clients in each category: electric utilities, gas utilities, telephone utilities, water utilities, cable television companies, intrastate transportation companies, pipeline companies, oil and/or gas exploration companies, or both, oil and gas retail companies, banks, savings and loan associations, loan and/or finance companies, or both, manufacturing firms, mining companies, life insurance companies, casualty insurance companies, and other insurance companies, retail companies, beer, wine and/or liquor companies or distributors, or any combination thereof, trade associations, professional associations, governmental

associations, associations of public employees or public officials, counties, and any other businesses or associations that the commission may deem appropriate. Amounts received from combined clients in each category shall be reported as: ~~less than \$1,000.00; more than \$1,000.00 but less than \$10,000.00; \$10,000.00 or above; less than one thousand dollars (\$1,000); at least one thousand dollars (\$1,000) and less than ten thousand dollars (\$10,000); at least ten thousand dollars (\$10,000) and less than twenty-five thousand dollars (\$25,000); at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000) and less than two hundred fifty thousand dollars (\$250,000); at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000); at least five hundred thousand dollars (\$500,000) and less than one million dollars (\$1,000,000); and one million dollars (\$1,000,000) or more.~~

"(5) If retainers are in existence or contracted for in any of the above categories of clients, a listing of the categories along with the anticipated income to be expected annually from each category of clients shall be shown in the following amounts: ~~less than \$1,250.00; \$1,250.00 or more; less than one thousand dollars (\$1,000); at least one thousand dollars (\$1,000) and less than ten thousand dollars (\$10,000); at least ten thousand dollars (\$10,000) and less than twenty-five thousand dollars (\$25,000); at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000) and less than two hundred fifty thousand dollars (\$250,000); at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000); at least five hundred thousand dollars (\$500,000) and less than one million dollars (\$1,000,000); and one million dollars (\$1,000,000) or more.~~

"(6) If real estate ~~that is held for investment or is revenue producing is held~~ production by a public official, or his or her spouse or dependents, then a listing thereof by the following categories of fair market value: ~~under \$50,000.00; at least \$50,000.00 but less than \$250,000.00; \$250,000.00 or more; less than one thousand dollars (\$1,000); at least one thousand dollars (\$1,000) and less than ten thousand dollars (\$10,000); at least ten thousand dollars (\$10,000) and less than twenty-five thousand dollars (\$25,000); at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000) and less than two hundred fifty thousand dollars (\$250,000); at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000); at least five hundred thousand dollars (\$500,000) and less than one million dollars (\$1,000,000); and one million dollars (\$1,000,000) or more.~~ A listing shall also be made by ~~and the following categories of annual gross rent and lease income on real estate: less than \$10,000.00; at least \$10,000.00 and less than \$50,000.00; \$50,000.00 or more.~~ less than one thousand dollars (\$1,000); at least one

thousand dollars (\$1,000) and less than ten thousand dollars (\$10,000); at least ten thousand dollars (\$10,000) and less than twenty-five thousand dollars (\$25,000); at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000) and less than two hundred fifty thousand dollars (\$250,000); at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000); at least five hundred thousand dollars (\$500,000) and less than one million dollars (\$1,000,000); and one million dollars (\$1,000,000) or more. Furthermore, if a public official or a business in which he the person is associated receives rent or lease income from any governmental agency in Alabama, specific details of the lease or rent agreement shall be filed with the commission; .

"(7) A listing of indebtedness to businesses operating in Alabama showing types and number of each as follows: Banks, savings and loan associations, insurance companies, mortgage firms, and stockbrokers ~~(the commission shall add additional categories as it deems necessary)~~; and the indebtedness to combined organizations in each category in amounts as follows: ~~Less than \$25,000.00; \$25,000.00 but less than \$50,000.00; \$50,000.00 but less than \$100,000.00; \$100,000.00 or more.~~ less than \$1,000.00 one thousand dollars (\$1,000); at least \$1,000.00 one thousand dollars (\$1,000) and less than \$10,000.00 ten thousand dollars (\$10,000); at least ten thousand dollars (\$10,000) and less than twenty-five thousand dollars (\$25,000); at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000) and less than two hundred fifty thousand dollars (\$250,000); at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000); at least five hundred thousand dollars (\$500,000) and less than one million dollars (\$1,000,000); and one million dollars (\$1,000,000) or more. The commission may add additional businesses to this listing. Indebtedness associated with the home-stead of the person filing is exempted from this disclosure requirement.

"(b) Filing required by this section shall reflect information and facts in existence at the end of the reporting year.

"(c) ~~In the event that said~~ If the information required herein is not filed as required, the commission shall notify the public official or public employee concerned as to his or her failure to ~~so~~ file and the public official or public employee shall have 10 days to file ~~said the~~ report after receipt of ~~said the~~ notification.

"(b) (d) After the original filing of the ~~above~~ prescribed statement~~(e)~~ statement, each person shall make additional subsequent filing within 90 days after the termination of each succeeding reporting year. ~~Filings required by subdivisions (5), (6) and (7) of subsection (a) of this section shall reflect information and facts in existence at the end of the reporting year."~~

"§36-25-15.

"(a) Within 10 days after ~~he becomes~~ becoming a candidate for state public office, ~~each~~ the candidate shall file a statement of economic interests as prescribed by the commission and in keeping with this chapter ~~at the office of the state ethics with the~~ commission.

"(b) Each election official who receives a declaration of candidacy or petition to appear on the ballot for election ~~as from a state official~~ candidate for public office and each official who nominates a person to serve as a state public official shall, within ~~five~~ 10 days of such receipt or nomination, notify the ~~state ethics~~ commission of the name of ~~each new~~ the candidate for state public office, as defined in this chapter, and the date on which ~~such~~ the person became a candidate for public office.

"(c) The ~~state ethics~~ commission shall notify ~~such official~~ the election official or the political party of the candidate who received the declaration of candidacy or petition, and, in the case of candidates for appointive public office who are appointed, the clerk or secretary of the body that will approve or disapprove the nomination, of the name of ~~each candidate~~ candidates for public office who files a statement of economic interests at the office of the commission and of the date on which ~~such~~ the statement was filed.

"(d) Other provisions of the law notwithstanding, if a candidate for ~~elective~~ public office does not submit a statement of economic interests in accordance with the requirements of this chapter within 10 days after ~~he becomes~~ becoming a candidate, ~~his the name of the person~~ shall not appear on the ballot. However, the ~~state ethics~~ commission may ~~in its discretion~~ allow the candidate for public office an additional five 10 days to file ~~such~~ the statement of economic interests because of mistake, omission, error, or other good cause. If a statement of economic interests is not filed within the required time, the commission shall immediately certify to the proper election official the failure of the candidate to comply. The election official shall remove the name of the candidate for public office from the ballot.

"(e) If a person who becomes a candidate for ~~appointive~~ public office by nomination fails to file a statement of economic interests in accordance with ~~the provisions of this chapter~~ within 10 days after such nomination, the nomination shall not be approved or ratified until at least 10 days after ~~he~~ the person has filed ~~such~~ the statement of economic interests."

"§36-25-16.

"(a) When any citizen of the state or business with which ~~he~~ the person is associated represents for a fee any person before a state regulatory agency, or commission, or department of the executive branch, he or she shall report to the ~~state ethics~~ commission the name of any adult child, parent, spouse, brother, or sister who is an public official or an public employee of that state regulatory agency, or commission, or department of the executive branch.

"(b) When any citizen of the state or business with which ~~he~~ the person is associated enters into a contract for the sale of goods or services to the state State of Alabama or any of its agencies in amounts exceeding ~~\$1,000.00~~ one thousand dollars (\$1,000), ~~he or she~~ shall report to the ~~state ethics~~ commission ~~the names~~ name of any adult child, parent, spouse, brother, or sister who is an a public official or public employee of the agency or department with whom the contract is made. This section shall not apply to any contract for the sale of goods or services awarded through a process of public notice and competitive bidding.

"(c) Each state regulatory agency, commission, or department of the executive branch, or any agency of the ~~state~~ State of Alabama shall be responsible for notifying citizens affected by this chapter of the requirements of this provision section.

"§36-25-17.

"(a) Every governmental agency head shall file reports with the commission on any matters that come to his or her attention which may constitute a violation of this chapter.

"(b) ~~Every governmental~~ Governmental ~~agency heads~~ head shall cooperate in every possible manner in connection with any investigation or hearing, public or private, which may be conducted by the commission.

~~"(c) The commission shall prepare and publish, prior to the implementation of this chapter, procedures for review or appeal of any action taken against or in regard to any person covered in this chapter.~~

"(c)(1) A state, county, or municipal agency, department, or authority shall not discharge a person who files a complaint pursuant to Section 36-25-4, or a person assisting or acting on behalf of a complainant including, but not limited to, a state, county, or municipal official or employee, because of either of the following:

"a. The complainant or a person assisting or acting on behalf of a complainant, reports, in writing, a violation or a suspected violation of this chapter.

"b. A complainant or a person assisting or acting on behalf of a complainant, is requested by the commission to participate in an investigation, hearing, or inquiry held by the commission or is requested to participate in any related court action.

"(2) A state, county, or municipal agency, department, or authority shall not threaten or discriminate against a person who files a complaint pursuant to Section 36-25-4, or a person assisting or acting on behalf of a complainant including, but not limited to, a state, county, or municipal official or employee, regarding compensation, terms, conditions, location, or privileges of employment because of either of the following:

3rd Day

"a. The complainant or a person assisting or acting on behalf of a complainant, reports, in writing, a violation or a suspected violation of this chapter.

"b. A complainant or a person assisting or acting on behalf of a complainant, is requested by the commission to participate in an investigation, hearing, or inquiry held by the commission or is requested to participate in any related court action.

"(3) This subsection shall not apply to a complainant or a person assisting or acting on behalf of a complainant, who knowingly makes a false report against any public official, public official elect, or public employee.

"(4) A complainant, or a person assisting or acting on behalf of a complainant, who alleges a violation of this subsection may bring a civil action for appropriate injunctive relief, or actual damages, or both, within 90 days after the occurrence of the alleged violation of this subsection.

"(5) A court, in rendering a judgment in an action brought pursuant to this subsection may order reinstatement of the complainant or a person assisting or acting on behalf of the complainant, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages, or any combination of these remedies. A court may also award the complainant all or a portion of the costs of litigation, including, but not limited to, reasonable attorney fees and witness fees, if the court determines that the award is appropriate."

"§36-25-18.

"(a) Every person employed or retained as a lobbyist shall register by filing a form prescribed by the commission within five days after the first undertaking requiring registration.

"(b) The registration shall be written, verified, and shall contain, but not be limited to, all of the following information:

"(1) The registrant's full name and address;

"(2) The registrant's normal business and business address;

"(3) The full name and address of the principal or principals of the registrant ~~registrant's principal(s)~~;

"(4) A listing of the categories of subject matters on which the registrant is to communicate directly with a member of the legislative or executive branch to influence legislation or executive action;

"(5) If a registrant's activities are done on behalf of the members of a group other than a corporation, ~~the registration form shall include~~ a categorical disclosure of the number of members of the group as follows: one through One to five, inclusive; six through 10, inclusive; 11 through 25, inclusive; and over 25;

"(6) A statement signed by the ~~principal(s)~~ principal that ~~he~~ the principal has ~~or they have~~ read the registration, ~~know~~ knows its contents, and has ~~or have~~ authorized the registrant to be a lobbyist in his or her ~~or their~~ behalf as specified therein and that no compensation will be paid to the registrant contingent upon passage or defeat of ~~such measure(s)~~ a particular measure.

"(c) A registrant shall file a supplemental registration indicating any substantial change in the information contained in the prior registration within 10 days after the date of the change.

"§36-25-19.

"(a) Every person registered ~~under~~ as a lobbyist pursuant to section Section 36-25-18 and every principal employing ~~such~~ the lobbyist shall file with the commission a sworn statement concerning the activities set out in ~~said~~ that section. The report ~~must~~ shall be filed between the first and fifteenth day of each month succeeding a month in which the ~~legislature~~ Legislature is in session ~~covering and shall cover~~ the activities during the previous month. The report shall be written, verified, and contain, but not be limited to, all of the following information:

"(1) All amounts received or expended directly or indirectly for the purpose of carrying on lobbying activities in the following categories: ~~Less than \$1,000.00 one thousand dollars (\$1,000); \$1,000.00 one thousand dollars (\$1,000) through to \$3,000.00 three thousand dollars (\$3,000) inclusive; and more than \$3,000.00 three thousand dollars (\$3,000); but.~~ The report shall not need not include amounts received by such the lobbyist for his personal living expenses nor or amounts received which are reportable as income to him the lobbyist for federal tax purposes unless his or her contract of employment provides that amounts received for such those expenses or as such income may or shall be used for carrying on lobbying activities;

"(2) ~~A detailed statement of any~~ Any money loaned or promised to ~~legislators~~ Legislators or to anyone on ~~their~~ behalf of a Legislator;

"(3) ~~A statement detailing the~~ The extent of any direct business association or partnership with any current member of the ~~legislature~~ Legislature, or public official, or public employee;

"(4) ~~A list of legislation~~ Legislation by category supported or opposed by the registrant, by any person retained or employed by the registrant to appear on his or her behalf, or by any other person appearing on his or her behalf.

"(b) In addition to the report required pursuant to subsection (a), every person registered as a lobbyist pursuant to Section 36-25-18 and every principal employing the lobbyist shall file with the commission quarterly verified reports concerning a listing of: (1) Each instance in which both transportation was

provided and lodging and meals were provided by the lobbyist or principal to a public official or public employee to attend meetings, conferences, and similar gatherings for educational or informational purposes; (2) the amounts specifically expended for transportation and the amounts expended for lodging and meals. The reports shall specify the name of the public official or public employee, the dates of the meeting, conference, or gathering, and the specific amounts expended."

"§36-25-20.

"(a) A person who ceases to engage in activities requiring ~~him to register under registration pursuant to section~~ Section 36-25-18 shall file a written, verified statement with the commission acknowledging the termination of activities. The notice ~~is shall be~~ effective immediately.

"(b) A Any person who files a notice of termination under this section ~~must shall~~ file the reports required under ~~sections~~ Sections 36-25-18 and 36-25-19 for any reporting period during which he or she was registered ~~under pursuant to this chapter."~~

"§36-25-21.

"All reports filed ~~under pursuant to sections~~ Sections 36-25-18 ~~36-25-19 and to 36-25-20, inclusive,~~ are public records and shall be made available for public inspection during regular business hours."

"§36-25-22.

"~~The provisions of sections~~ Sections 36-25-18 through to 36-25-21, inclusive, shall not be construed as affecting professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation where ~~such those~~ professional ~~service is~~ services are not otherwise connected with legislative action."

"§36-25-23.

"~~No former member of the house of representatives or the senate of the state of Alabama shall be extended floor privileges of either body in a lobbying capacity. Without limiting Sections 36-25-6, 36-25-7, and 36-25-12, no public official or public employee shall solicit any lobbyist registered pursuant to Section 36-25-18 to give a thing of value, social occasions, or the costs of transportation or lodging and meals associated with educational or informational purposes to any person or entity. Notwithstanding the foregoing, a public official or candidate may solicit campaign contributions as provided by law. No lobbyist registered pursuant to Section 36-25-18 shall give a thing of value, social occasions, or the costs of transportation or lodging and meals associated with educational or informational purposes to any person or entity in response to a solicitation from a public official or public employee, other than a campaign contribution as provided by law."~~

"§36-25-24.

"Any citizen person wishing to file a complaint against any public official or employee covered by this chapter shall initially file said the complaint with the commission. If the complainant is not satisfied with the action of the commission, if the commission does not take proper action within 45 days, then the said citizen complainant may file the said complaint with the attorney-general Attorney General or other officers authorized to enforce this chapter."

"§36-25-25.

~~"(a) Any person who knowingly and intentionally files a false complaint with the commission, or any member of the commission who initiates action against any state official, state employee or any other person covered by this chapter, knowing such complaint to be false or inaccurate, shall be guilty of the crime of malicious prosecution.~~

~~"(b) Whoever is convicted in a court of competent jurisdiction of the crime of malicious prosecution, in addition to any other punishment prescribed by law therefor, shall also be required by court order to reimburse the person against whom the false complaint was filed for all of his legal expenses and any other expenses incurred in relation to the accused defending himself against the false complaint. If such complaint is filed within six months prior to an election in which the accused's name appears on the ballot, the person filing the false complaint shall pay to the accused the amount set out above plus an equal amount to the general fund of the state.~~

"(a)(1) A person commits the crime of wanton false reporting to the commission if he or she knowingly and wantonly makes or transmits a false report or complaint against a public official, public employee, or candidate for public office.

"(2) Wanton false reporting to the commission is a Class C felony.

"(b)(1) A person commits the crime of false reporting to the commission if he or she knowingly makes or transmits a false report or complaint against a public official, public employee, or candidate for public office.

"(2) False reporting to the commission is a Class A misdemeanor.

"(c) If any person, accused of violating this chapter, is acquitted upon trial, or if charges are dropped prior to trial, then such the person may, in the discretion of the court or jury, recover in a civil action from the complainant person who brought the charge against him a sum equal to three times the damages thereby caused together with reasonable attorney's fees and costs of the action."

"§36-25-26.

"No person, for the purpose of influencing legislation, may do any of the following:

(1) Knowingly or willfully make any false statement or misrepresentation of the facts to a member of the legislative or executive branch; ~~or,~~

"(2) Knowing a document to contain a false statement, cause a copy of the document to be received by a member of the legislative or executive branch without notifying ~~such~~ the member in writing of the truth."

"§36-25-27.

"(a) (1) ~~Except as otherwise provided, any~~ Any person subject to this chapter who knowingly or willfully violates ~~any provisions of this chapter,~~ other than the requirements of financial and lobbying disclosure, shall be ~~found~~ guilty of a felony and shall be fined not more than ~~\$10,000.00~~ ten thousand dollars (\$10,000) or less than ~~\$2,001.00~~ two thousand one dollars (\$2,001), or shall be imprisoned for not more than 10 years but not less than two years or any combination thereof.

"(2) Any person subject to this chapter who knowingly or willfully violates any disclosure requirement of this chapter shall be ~~found~~ guilty of a misdemeanor, and shall be punished by a fine of ~~\$10.00~~ ten dollars (\$10) a day for each day the appropriate disclosure statement is delinquent or the proper information is unreported, but not to exceed \$1,000.00 one thousand dollars (\$1,000) annually.

"(b) All prosecutions for violations of ~~the provisions of this chapter~~ shall be initiated and prosecuted by the ~~attorney general~~ Attorney General of the state or by the district attorney having jurisdiction of the offense.

"(c) The penalties prescribed in this chapter do not limit the power of either house of the ~~legislature~~ Legislature to discipline its own members or to impeach public officials and do not limit the powers of agencies or commissions to discipline their respective officials or employees.

"(d) The circuit courts of this state shall have jurisdiction of all cases and actions relative to violations or the enforcement of this chapter, and the venue of any action under this chapter shall be in the county of the residence of the defendant.

"(e) Nothing in this chapter is intended to nor is to be construed as repealing ~~in any way the provisions of~~ any of the criminal laws of this state."

"§36-25-28.

"Nothing in ~~the provisions of~~ this chapter shall be construed as to deprive any citizen not lobbying for hire of his the citizen's constitutional right to communicate with members of the ~~legislature~~ Legislature."

"§36-25-29.

"~~The legislature~~ Legislature shall annually and otherwise appropriate ~~such~~ those sums as it deems necessary to implement ~~the provisions of~~ and administer this chapter."

"§36-25-30.

"This chapter shall be construed in pari materia with all other laws dealing with the subject matter hereof of ethics, and ~~repeals shall repeal~~ all laws and parts of laws in conflict herewith."

Section 4. All proceedings pending and all rights and liabilities existing, acquired, or incurred prior to and as of the effective date of this act are hereby saved and may be consummated according to the law in force when they were commenced. This act shall not be construed to affect any prosecution pending or begun before the effective date of this act.

Section 5. Sections 1 and 3 of this act shall be implemented on January 15, 1994.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 73; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (M), Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Venable, Walker, Warren, Williams, Willis and Zoghby.

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Nay:

Representative Haynes.

SUBSTITUTE OFFERED

Representative Box offered the following substitute to the bill, H. 93, as amended:

Relating to the State Ethics Law; defining certain terms; conforming certain provisions to those terms; making technical nonsubstantive changes; increasing the membership of the commission and providing for the method of filling vacancies; providing for the promulgation of rules and regulations; requiring the recording of proceedings and the preservation of the records; specifying the procedure for the issuance of advisory opinions; requiring that investigative matters remain confidential and providing penalties for violations; providing a procedure for processing a complaint, and for offering the respondent a right to participate; providing a procedure for conducting an investigation and a hearing; providing a procedure for the subpoena of evidence; revising the statement of economic interests; specifying the procedure to be used to remove a candidate from the ballot; requiring lobbyists and principals to file additional information; prohibiting public officials and public employees from soliciting a thing of value or certain costs and prohibiting a lobbyist from satisfying such a solicitation; to prevent certain former public officials and public employees from lobbying and contracting with public agencies for a certain period of time after their public service; to provide certain employment protection and civil remedies to persons filing a complaint; creating the crime of wanton false reporting of a complaint and false reporting of a complaint and prescribing criminal penalties; permitting the recovery of attorney fees in a civil action; and amending Sections 36-25-1 to 36-25-30, inclusive, Code of Alabama 1975.

SUBSTITUTE TABLED

On motion of Representative Hammett, the substitute offered by Representative Box to the bill, H. 93, as amended, was tabled.

Yeas 54; Nays 40.

Yea:

Mr. Speaker, Barnes, Black (L), Black (M), Bryant, Buskey, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Dolbare, Flowers, Ford, Freeman, Gaston, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Hill, Hilliard, Hogan, Holley, Hooper, Kennedy, Knight (A), Kvalheim, Lindsey, Mathis, McClain, McDaniel, Millican, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Smith (R), Spratt, Thomas, Turner, Turnham, Warren, White, Williams, Willis and Zoghby.

Nay:

Representatives Anderson, Beasley, Biddle, Bowling, Box, Burke, Butler, Crow, Cullins, Drake, Fuller, Gaines, Goodwin, Hall, Higginbotham, Holladay, Holmes, Johnson, Laird, Layson, Letson, McDowell, McKee, McMillan, Mikell, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Rich, Rogers (F), Sanderson, Smith (C), Venable and Walker.

-40

SUBSTITUTE OFFERED

Representative Turnham offered the following substitute to the bill, H. 93, as amended:

Relating to the Ethics Law, to amend Sections 36-25-1, 36-25-2, 36-25-4, 36-25-5, 36-25-6, 36-25-12, 36-25-13, 36-25-14, 36-25-15, 36-25-17, 36-25-18, 36-25-19, 36-25-25, 36-25-27, and 36-25-30, Code of Alabama 1975, to provide for the regulation of conduct of certain public officials, public officials elect, public employees, families, lobbyists and their principals, as well as members and employees of the State Ethics Commission; to define and redefine certain terms and to amend certain provisions to conform with these definitions; to remove the prohibition against investigating certain written anonymous complaints; to provide that no complaint made against an incumbent public official 120 days before a balloted election shall be investigated; to permit the Ethics Commission to investigate complaints on its own initiative on anonymous complaints by a unanimous vote of the five members of the commission and when necessary request an audit by the Examiner of Public Accounts on an anonymous or other complaint; to require recordation and subsequent destruction of anonymous complaints; to specify that existing advisory opinions would prevail until superseded; to regulate public statements of members and employees of the commission concerning complaints and investigations and to specify criminal penalties for violations; to increase the minimum salary at which a public employee is required to file a statement of economic interests; to expand disclosure requirements; to require disclosure of certain gifts; to provide for the certification by the commission to the proper election officer or political party of the candidate of the name of a candidate who failed to timely file a statement and pay a late fee and to require the subsequent removal of the name of a continuing delinquent candidate from the ballot; to prevent former public officials and public employees from lobbying and contracting with public agencies for a certain period of time after their public service; to regulate lobbyists and their principals by imposing a registration fee on lobbyists and requiring the filing of a lobbyist's and a principal's report of lobbying activities by all lobbyists and principals; to toll the statute of limitations in certain instances; to provide certain employment protection and civil remedies to persons filing a complaint; to prohibit knowingly or with criminal negligence the making or transmitting to the state ethics commission a false report or complaint under

penalty of criminal law; to specify that any person who is a public official, public official elect, public employee, lobbyist, or principal of a lobbyist as defined by this act, would be subject to this act; to provide for restitution and other civil remedies; to repeal Section 36-25-24, Code of Alabama 1975; and to provide further for civil and criminal penalties.

SUBSTITUTE TABLED

On motion of Representative Hammett, the substitute offered by Representative Turnham to the bill, H. 93, as amended, was tabled.

Yeas 51; Nays 45.

Yea:

Mr. Speaker, Barnes, Black (L), Black (M), Bryant, Burke, Buskey, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Dolbare, Drake, Flowers, Ford, Hammett, Haney, Harper, Harvey, Hilliard, Hogan, Holladay, Hooper, Kennedy, Knight (J), Lindsey, McClain, McDaniel, McMillan, Millican, Newton (D), Penry, Perdue, Powell, Richardson, Rogers (J), Sanderford, Spratt, Starkey, Thomas, Turner, Warren, White, Williams, Willis and Zoghby.

-51

Nay:

Representatives Anderson, Beasley, Biddle, Box, Butler, Cullins, Curry, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hawkins, Haynes, Higginbotham, Holley, Holmes, Johnson, Kvalheim, Layson, Letson, Mathis, McDowell, McKee, Mikell, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Turnham, Venable and Walker.

-45

AMENDMENT OFFERED

Representative Hammett offered the following amendment #1 to the bill, H. 93, as amended:

On page 22, on line 20, after the period insert: The commission shall provide to a respondent written notice that a complaint has been filed against him or her along with any and all information provided by the complainant, other than the name of a complainant requesting anonymity, within 72 hours or three working days after receiving the complaint.

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-97

AMENDMENT OFFERED

Representative Hammett offered the following amendment #2 to the bill, H. 93, as amended:

On page 33, line 3, after the word "value" strike the following: "including a promise of future employment or a favor or service"

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 96; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey,

Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-96

Nay:

Representative Barnes.

- 1

AMENDMENT OFFERED

Representative Hammett offered the following amendment #3 to the bill, H. 93, as amended:

On page 34, after line 1, insert the following language: For purposes of this subsection, contract does not include an employee/employer relationship.

AMENDMENT ADOPTED

And the amendment #3 was adopted.

Yeas 90; Nays 2.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bryant, Burke, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-90

Nay:

Representatives Barnes and Box.

- 2

SUBSTITUTE OFFERED

Representative Rogers (F) offered the following substitute to the bill, H. 93, as amended:

Relating to the Ethics Law; to define and redefine certain terms and to amend certain provisions to conform with these definitions; to permit the Ethics Commission to investigate complaints on its own initiative; to remove the prohibition against investigating anonymous complaints; to require the recordation of anonymous complaints; to permit the commission to employ an attorney with certain powers; to specify existing advisory opinions would prevail until superseded; to regulate public statements of members and employees of the commission concerning complaints and investigations and to specify criminal penalties for violations; to grant the commission certain subpoena powers; to increase the minimum salary at which a public employee is required to file a statement of economic interests; to provide for the certification by the commission to the proper election officer of the name of a candidate who failed to properly file a statement and to require the removal of the name of the candidate from the ballot; to prohibit public officials and public employees and members of their families and businesses with which they are associated from receiving compensation to lobby; to prohibit public officials or public employees from being associated with certain businesses; to prevent former public officials and public employees from lobbying and contracting with public agencies for a certain time; to levy a registration fee on lobbyists; to toll the statute of limitations in certain instances; to provide certain employment protection and civil remedies to persons filing a complaint; to specify that any person who is a public official or public employee as defined by this act, would be subject to this act; to amend Sections 36-25-1, 36-25-2, 36-25-4, 36-25-5, 36-25-6, 36-25-7, 36-25-12, 36-25-13, 36-25-14, 36-25-15, 36-25-17, 36-25-18, 36-25-27, and 36-25-30, Code of Alabama 1975; and to repeal Section 36-25-24, Code of Alabama 1975, which required a citizen to initially file a complaint against a public official or public employee with the commission.

SUBSTITUTE TABLED

On motion of Representative Hammett, the substitute offered by Representative Rogers (F) to the bill, H. 93, as amended, was tabled.

Yeas 55; Nays 32.

Yea:

Mr. Speaker, Barnes, Black (L), Black (M), Bryant, Burke, Buskey, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Gullatt, Hammett, Haney, Harper, Harvey, Hawkins, Hill, Hilliard, Hogan, Holladay, Hooper, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey,

Mathis, McDaniel, McMillan, Millican, Newton (D), Page, Penry, Perdue, Powell, Richardson, Rogers (J), Sanderford, Spratt, Turner, Warren, Williams, Willis and Zoghby.

-55

Nay:

Representatives Anderson, Biddle, Box, Freeman, Fuller, Gaines, Gaston, Hall, Hamilton, Higginbotham, Holley, Holmes, Johnson, Kvalheim, McDowell, McKee, Mikell, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Turnham and Walker.

-32

AMENDMENT OFFERED

Representative Hall offered the following amendment to the bill, H. 93, as amended:

On page 55, line 3, add the following section and renumber the remaining sections:

Section 4. (a) Any law to the contrary notwithstanding, a state, county, municipal, or other governmental unit, agency, or entity shall not expend public funds to employ a lobbyist.

(b) This section shall not prohibit or be interpreted to prohibit a state, county, or municipal officer or employee from performing any duties related to the officer or employee's position in government.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Hall to the bill, H. 93, as amended, was tabled.

Yeas 48; Nays 31.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Bryant, Burke, Buskey, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Curry, Flowers, Ford, Gaines, Hammett, Harper, Harvey, Hawkins, Higginbotham, Hill, Hilliard, Hogan, Holladay, Hooper, Kennedy, Knight (A), Knight (J), Layson, McDaniel, Morton, Parker (T), Penry, Petelos, Powell, Sanderford, Sanderson, Smith (R), Spratt, Starkey, Turner, Turnham, Williams and Willis.

-48

Nay:

Representatives Anderson, Beasley, Black (M), Box, Butler, Cullins, Dolbare, Freeman, Gaston, Gullatt, Hall, Holmes, Kvalheim, Laird, McKee, McMillan, Mikell, Morrow, Newton (D), Page, Parker (P), Payne, Perdue, Poole, Rich, Richardson, Rockhold, Smith (C), Walker, White and Zoghby.

-31

AMENDMENT OFFERED

Representative Gaines offered the following amendment #1 to the bill, H. 93, as amended:

Amend H. 93 on page 54, line 15 by adding after the word "state." a new paragraph the following: "(3) The commission may, by unanimous vote of those members in attendance, impose civil penalties and require the payment of restitution in lieu of criminal prosecution under this chapter. Any such civil penalties shall not exceed ten thousand dollars (\$10,000). The payment of any civil penalty or restitution by a public official or employee under this chapter shall be a bar to criminal prosecution for a violation of this chapter. Any civil penalty collected by the commission under this subdivision shall be deposited in the State General Fund to the account of the commission.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #1 offered by Representative Gaines to the bill, H. 93, as amended, was tabled.

Yeas 67; Nays 23.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Bryant, Burke, Buskey, Cagle, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Flowers, Ford, Freeman, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hill, Hilliard, Hogan, Holladay, Holley, Johnson, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Payne, Perdue, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Smith (C), Spratt, Starkey, Turner, Turnham, Venable, White, Williams, Willis and Zoghby.

-67

Nay:

Representatives Beasley, Box, Butler, Carns, Curry, Fuller, Gaines, Gaston, Hawkins, Higginbotham, Holmes, Kvalheim, McKee, McMillan, Parker (T), Penry, Petelos, Poole, Rich, Sanderford, Sanderson, Smith (R) and Walker.

-23

AMENDMENT OFFERED

Representative Gaines offered the following amendment #2 to the bill, H. 93, as amended:

Amend H. 93 on page 8, line 14 by striking after the word "discount," the following: "unsecured loan (other than those made in the ordinary course of business),"

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #2 offered by Representative Gaines to the bill, H. 93, as amended, was tabled.

Yeas 53; Nays 27.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Bryant, Burke, Buskey, Butler, Cagle, Carter, Clark (W), Clay, Collins, Cosby, Cullins, Flowers, Ford, Freeman, Gullatt, Hammett, Harper, Harvey, Hilliard, Hogan, Holley, Hooper, Johnson, Kennedy, Lindsey, Mathis, McClain, McKee, Millican, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rich, Rockhold, Rogers (J), Smith (C), Starkey, Turner, Turnham, Venable, Walker, Warren, White and Zoghby.

-53

Nay:

Representatives Box, Carns, Carothers, Crow, Fuller, Gaines, Gaston, Hall, Haney, Hawkins, Hill, Holladay, Holmes, Knight (A), Knight (J), Kvalheim, McDowell, McMillan, Mikell, Morrow, Newton (C), Penry, Petelos, Sanderford, Sanderson, Smith (R) and Willis.

-27

AMENDMENT OFFERED

Representative Barnes offered the following amendment #1 to the bill, H. 93, as amended:

Amend H. 93 on page 21, Section 14, line 26 by adding after the word complaint. the following: A complaint, charge, or inquiry shall be considered received by the commission at the time it is made to any officer, employee, or agent of the commission whether or not it was oral or in writing.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #1 offered by Representative Barnes to the bill, H. 93, as amended, was tabled.

Yeas 69; Nays 8.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Bryant, Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Curry, Flowers, Freeman, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Layson, Lindsey, McDaniel, McMillan, Mikell, Millican, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-69

Nay:

Representatives Barnes, Box, Buskey, Cullins, Dolbare, Holmes, Laird and McDowell.

- 8

AMENDMENT OFFERED

Representative Barnes offered the following amendment #2 to the bill, H. 93, as amended:

To amend House Bill 93 as substituted on page 22 by deleting lines 5 through 7 in their entirety and inserting in lieu thereof the following:

"1a. The Commission has verified the true identity of the complainant.

1b. The Commission had determined that the complainant is not an "habitual complainant" as defined below.

1c. In order to determine whether or not a complainant is an "habitual complainant" the Commission shall consider (1) whether or not more than ten (10) complaints or inquiries or a combination thereof within a period of one (1) year or fifty (50) complaints or inquiries or any combination thereof within any given period have been filed with the Commission and (2) whether or not a complainant has filed with the Commission more than three consecutive complaints or inquiries or any combination thereof which have been returned unfounded.

1d. If a complainant has filed more than 10 complaints or inquiries or any combination thereof within one year or if he or she or it has filed more than fifty complaints or inquiries or any combination thereof within any period of time, or if he or she has filed three or more consecutive complaints or inquiries which have been returned unfounded, it shall be prima facie proof to the Commission that the complainant is an "habitual complainant" and all subsequent complaints filed by him or her shall be automatically declared unfounded and dismissed by the Commission."

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #2 offered by Representative Barnes to the bill, H. 93, as amended, was tabled.

Yeas 69; Nays 11.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Bryant, Burke, Butler, Cagle, Carns, Carothers, Carter, Clay, Cosby, Crow, Curry, Ford, Fuller, Gaston, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-69

Nay:

Representatives Barnes, Box, Buskey, Dolbare, Flowers, Hilliard, Holmes, Kennedy, Knight (J), McClain and Rogers (J).

-11

AMENDMENT OFFERED

Representative Zoghby offered the following amendment to the bill, H. 93, as amended:

Amend H. 93 on page 12, Section 2, line 10 by adding after the word "black" the following: at least one members of the commission shall be a woman.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 5.

Yea:

Mr. Speaker, Anderson, Barnes, Biddle, Black (L), Black (M), Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Fuller, Gaston, Gullatt, Hall, Harvey, Hawkins, Haynes, Higginbotham, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

-81

Nay:

Representatives Beasley, Hammett, Haney, McKee and Sanderford.

- 5

AMENDMENT OFFERED

Representative Biddle offered the following amendment to the bill, H. 93, as amended:

On page 7, remove all language appearing on lines 3, 4, 5, and 6, and insert in lieu thereof the following language: legislation, and who shall so declare to a member, members or committee of the legislature with whom he or she discusses any proposed legislation.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Bryant, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Gaines, Gaston, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Kennedy, Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Perry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, Williams and Willis.

-86

AMENDMENT OFFERED

Representative Rogers (J) offered the following amendment to the bill, H. 93, as amended:

Amend the Substitute to H. 93 on page 22 by deleting lines 1 through 20 in their entirety.

Further amend the bill on page 22 line 27 by inserting a period after word "complaint" and deleting the rest of line 27.

Further amend the bill on page 23 line 1 by deleting the following: ~~complainant requesting anonymity.~~

Further amend the bill on page 23 lines 24 and 25 by deleting ~~, including the name of a complainant who requested anonymity~~

Further amend the bill on page 24 on lines 9 and 10 by deleting the following words: ~~, including the name of a complainant who requested anonymity~~

Further amend the bill on page 21, line 18 by inserting the word not after the word "shall"

Further amend the bill on page 21, line 19 by deleting the word if and inserting the word until

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Rogers (J) to the bill, H. 93, as amended, was tabled.

Yeas 66; Nays 22.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Burke, Butler, Cagle, Carns, Carothers, Carter, Collins, Crow, Curry, Ford, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Starkey, Turner, Turnham, Venable, Walker, Warren, White and Willis.

-66

Nay:

Representatives Barnes, Black (L), Bryant, Buskey, Clark (W), Cosby, Dolbare, Freeman, Hall, Haynes, Hilliard, Holmes, Kennedy, Knight (J), McClain, Newton (D), Perdue, Rogers (J), Smith (R), Spratt, Thomas and Williams.

-22

AMENDMENT OFFERED

Representative Payne offered the following amendment to the bill, H. 93, as amended:

Amend House Bill 93, Section 2, Page 12, Line 10, after the word "term." by adding the following: of the remaining five members, at least one member shall be a Democrat and at least one member shall be a Republican.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Payne to the bill, H. 93, as amended, was tabled.

Yeas 55; Nays 33.

Yea:

Mr. Speaker, Anderson, Black (L), Black (M), Bryant, Burke, Cagle, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Flowers, Ford, Freeman, Gullatt, Hammett, Harper, Harvey, Haynes, Higginbotham, Hilliard, Hogan, Holladay, Holley, Holmes, Kennedy, Knight (J), Lindsey, Mathis, McDaniel, Morrow, Newton (C), Newton (D), Page, Parker (P), Parker (T), Penry, Perdue, Powell, Richardson, Rogers (F), Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-55

Nay:

Representatives Barnes, Beasley, Biddle, Box, Carns, Cosby, Curry, Dolbare, Fuller, Gaines, Gaston, Hall, Haney, Hawkins, Hill, Hooper, Johnson, Knight (A), Kvalheim, Laird, McClain, McKee, McMillan, Mikell, Morton, Payne, Petelos, Rich, Rogers (J), Sanderford, Sanderson, Smith (R) and Walker.

-33

AMENDMENT OFFERED

Representative Sanderson offered the following amendment #1 to the bill, H. 93, as amended:

On page 25, delete lines 1 to 26, inclusive, in their entirety and on page 26, delete lines 1 to 8, inclusive, in their entirety, and insert in lieu thereof:

(19) The commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of books, papers, records, or other items needed for the performance of the commission's duties or the exercise of its powers. Enforcement of subpoenas issued by the commission may be exercised only after a unanimous vote of the commission and written application of the commission to a district attorney, foreman of a grand jury, or district judge. The commission may not issue any subpoena for witnesses, the production of books, papers, records, or other items the subject matter of which goes beyond the scope of the investigation or allegations in the complaint. Upon request of the individual against whom a complaint has been made, the commission shall issue subpoenas, in accordance with this chapter, for witnesses, the production of books, papers, records, or other items needed in defending the allegations in the complaint. Any subpoena issued by the commission may be challenged for reasonableness in the circuit court in the circuit in which the subpoena is to be served or where the defending party resides.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #1 offered by Representative Sanderson to the bill, H. 93, as amended, was tabled.

Yeas 62; Nays 29.

Yea:

Mr. Speaker, Anderson, Barnes, Black (L), Black (M), Box, Bryant, Burke, Cagle, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Gullatt, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Kennedy, Knight (J), Laird, Layson, Lindsey, Mathis, McClain, McDaniel, Millican, Morton, Newton (C), Page, Penry, Richardson, Rogers (F), Rogers (J), Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Warren, White, Williams, Willis and Zoghby.

-62

Nay:

Representatives Beasley, Biddle, Butler, Carns, Fuller, Gaines, Gaston, Hall, Hawkins, Hill, Johnson, Knight (A), Kvalheim, McKee, McMillan, Mikell, Morrow, Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Sanderford, Sanderson, Smith (R), Venable and Walker.

-29

AMENDMENT OFFERED

Representative Sanderson offered the following amendment #2 to the bill, H. 93, as amended:

On page 12, on line 10 after the language "block" insert the following: at least four of the members of the commission shall be white males

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #2 offered by Representative Sanderson to the bill, H. 93, as amended, was tabled.

Yeas 61; Nays 16.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Box, Bryant, Buskey, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Flowers, Ford, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (J), Laird, Lindsey, Mathis, McClain, McDaniel, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Petelos, Powell, Rich, Richardson, Rogers (J), Smith (C), Smith (R), Starkey, Turner, Turnham, Venable, Walker, Warren, Williams and Willis.

-61

Nay:

Representatives Burke, Cosby, Dolbare, Freeman, Gaines, Hall, Hamilton, Hill, Hilliard, Knight (A), Letson, McKee, Sanderford, Sanderson, Spratt and Thomas.

-16

AMENDMENT OFFERED

Representative Turner offered the following amendment #1 to the bill, H. 93, as amended:

On page 55, line 3, add the following section and renumber the remaining sections:

Section 4. (a) Any law to the contrary notwithstanding, a state, county, municipal, or other governmental unit, agency, or entity shall not expend public funds to employ a lobbyist.

(b) This section shall not prohibit or be interpreted to prohibit a state, county, or municipal officer or employee from performing any duties related to the officer or employee's position in government, thereof.

MOTION TO TABLE LOST

The motion offered by Representative Hammett to table the amendment #1 offered by Representative Turner to the bill, H. 93, as amended, was lost.

Yeas 31; Nays 57.

Yea:

Mr. Speaker, Beasley, Black (L), Bowling, Bryant, Buskey, Carns, Clark (W), Hammett, Haney, Harper, Harvey, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Knight (A), Knight (J), Mathis, McDaniel, Page, Penry, Richardson, Rogers (F), Spratt, Starkey, Turnham, White and Zoghby.

-31

Nay:

Representatives Anderson, Barnes, Biddle, Black (M), Box, Burke, Butler, Cagle, Carothers, Carter, Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hawkins, Haynes, Hilliard, Johnson, Kvalheim, Laird, Layson, Letson, McKee, McMillan, Melton, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Rich, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Turner, Venable, Walker, Warren and Willis.

-57

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Thomas intended to vote "Yea" on the motion offered by Representative Hammett to table the amendment #2 offered by Representative Sanderson to the bill, H. 93, as amended.

AMENDMENT NOT GERMANE

The question was then on the adoption of the amendment #1 offered by Representative Turner to the bill, H. 93, as amended; however, a point of order was raised by Representative Holmes that the amendment #1 was not germane to the bill and the point of order was sustained by the Chair.

AMENDMENT OFFERED

Representative Turner offered the following amendment #2 to the bill, H. 93, as amended:

Amend House Bill as substituted on page 12 line 10 by adding the following The members of the commission shall consist of an American Indian and an Eskimo.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #2 offered by Representative Turner to the bill, H. 93, as amended, was tabled.

Yeas 58; Nays 21.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Bryant, Buskey, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Cullins, Flowers, Ford, Freeman, Fuller, Goodwin, Harper, Hawkins, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Kennedy, Knight (A), Lindsey, Mathis, McClain, McDaniel, McMillan, Millican, Morrow, Newton (C), Parker (P), Payne, Penry, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Warren, White and Williams.

-58

Nay:

Representatives Box, Burke, Cagle, Crow, Curry, Dolbare, Gaston, Hall, Haney, Haynes, Holmes, Johnson, Knight (J), Kvalheim, Laird, Letson, Mikell, Petelos, Turner, Walker and Willis.

-21

And the bill, H. 93, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 96; Nays 6.

Yea:

Mr. Speaker, Anderson, Barnes, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McMillan, Melton, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-96

Nay:

Representatives Beasley, Higginbotham, McDowell, McKee, Mikell and Newton (C).

- 6

And the bill:

H. 42. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Leesburg in Cherokee County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 1.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Bryant, Burke, Cagle, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Flowers, Ford, Freeman, Gaston, Gullatt, Hamilton, Hawkins, Hill, Hilliard, Hogan, Holmes, Knight (A), Knight (J), Kvalheim, Letson, Lindsey, Mathis, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Petelos, Richardson, Rockhold, Sanderson, Smith (C), Spratt, Turner, Turnham, White, Williams, Willis and Zoghby.

-55

Nay:

Representative Hall.

- 1

RESOLUTIONS

The following resolutions were introduced:

By Representative Carter:

H.R. 76. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Wednesday, August 18, 1993, we adjourn to meet again on Thursday, August 19, 1993, at 10:00 A.M.

On motion of Representative Carter, the rules were suspended and the resolution, H.R. 76, was adopted.

Also:

By Representatives Kennedy, Buskey, Clark (W) and Zoghby:

H.J.R. 77. HONORING THE BROWN-GRANT FAMILY ON THEIR ALABAMA REUNION.

WHEREAS, the Alabama Legislature happily recognizes that the Brown-Grant Family Reunion was held in Mobile County, Alabama from August 6 to 8, 1993, and five generations of the descendants of Green Brown and Lucy Grant Brown travelled from various states across the nation including Texas, Ohio, Illinois, Louisiana, Georgia, Michigan, New York, California, Mississippi, and Virginia, and from many regions of our beloved state of Alabama; and

WHEREAS, from the holy union of matrimony Green Brown and Lucy Grant Brown raised six children in Sumter and Choctaw counties, the first Browns of that union learned their spiritual values, high principles, and gardening, from grandmother, Lucy Grant Brown, who was also a midwife, and from grandfather Green Brown each received a large plot of land at the edge of Sumter and Choctaw counties, as well as driving ambitions; the first Browns were: Moses James Brown, Claire Brown, Georgia Brown Turner, Elizabeth Brown Drummond, Emma Brown Allen, and Ora Dee Brown Burwell; and

WHEREAS, Grants Chapel CME Church in Cuba, Alabama, was established almost 119 years ago by the Reverend George Grant, a devout Methodist minister, and father of Lucy Grant Brown, and stands as a legacy to the outstanding Brown-Grant Family which has left a legacy of outstanding citizens across this great nation, lovingly touching the lives of many as their great ancestors did; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate their Alabama Reunion and many contributions to our state and nation, and we provide a copy of this resolution so that they may know of this high honor and our great esteem for their many accomplishments, and for fulfilling the dreams of their grandmother and grandfather.

On motion of Representative Kennedy, the rules were suspended and the resolution, H.J.R. 77, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Kennedy, Buskey, Clark (W) and Zoghby:

H.R. 78. HONORING THE BROWN-GRANT FAMILY ON THEIR ALABAMA REUNION.

Also:

The following resolution was introduced:

By Representatives Holladay, Crow, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 79. MOURNING THE DEATH OF A. J. BLAKE OF PELL CITY, ALABAMA.

WHEREAS, it is with profound sorrow and a deep sense of loss that the Alabama Legislature records the death of A. J. Blake of Pell City, Alabama, on July 19, 1993, at the age of 67 years; and

WHEREAS, a veteran of World War II and recipient of the Purple Heart, Mr. Blake was an independent contractor and home builder and, from his election in 1976, served three terms as a member of the Alabama House of Representatives; and

WHEREAS, Mr. Blake also was a two-term councilman on the Riverside Town Council, serving as chairman of the Water Commission, and had 30 years experience in civil service and over 20 years in management with the Anniston Army Depot; and

WHEREAS, he further was a staunch supporter of local education and youth activities, and was an active member of numerous civic and service organizations including the VFW, the Alabama Cattleman's Association, Masons, Shriners, and Rotary Club, and in 1977 received the "Citizen of the Year" Award from the Greater Pell City Chamber of Commerce; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of our former friend and colleague, A. J. Blake of Pell City, Alabama, and extend our very deepest sympathy to his wife, Doris Blake; son, the Reverend Jeff Blake; daughters, Sherry Lowery, Brenda Nixon and Pam Calhoun; and other family members, whose sorrow we sincerely share, and for whom a copy of this resolution shall be provided.

On motion of Representative Holladay, the rules were suspended and the resolution, H.J.R. 79, was adopted.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Penry to suspend the rules in order to take up out of order the bill, H. 76, was lost, lacking a four-fifths vote.

Yeas 42; Nays 23.

Yea:

Mr. Speaker, Beasley, Black (M), Burke, Buskey, Butler, Collins, Cullins, Curry, Flowers, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Hill, Hilliard, Holley, Hooper, Kennedy, Knight (A), Knight (J), Kvalheim, Mathis, McKee, McMillan, Mikell, Millican, Morrow, Morton, Penry, Petelos, Rockhold, Rogers (F), Sanderson, Spratt, Starkey, Turner, Venable and Zoghby.

-42

Nay:

Representatives Barnes, Biddle, Cagle, Carns, Crow, Dolbare, Freeman, Hawkins, Haynes, Hogan, Holmes, Laird, Layson, McClain, Parker (P), Payne, Poole, Richardson, Rogers (J), Smith (C), Thomas, Walker and Willis.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Holley, the rules were suspended in order to take up out of order the bill, H. 80.

Yeas 72; Nays 1.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bryant, Burke, Butler, Cagle, Carns, Carothers, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaston, Gullatt, Hall, Hammett, Haney, Harvey, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Powell, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, Williams and Willis.

-72

Nay:

Representative Barnes.

- 1

And the bill:

H. 80. To authorize certain veterans and active reserve members of the United States Armed Forces to purchase a distinctive motor vehicle license tag; and for this purpose to amend Section 32-6-150, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bowling, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Gaston, Goodwin, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 80:

Representatives Anderson, Beasley, Black (M), Bowling, Bryant, Burke, Butler, Carns, Carothers, Carter, Clark (J), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Willis and Zoghby.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Harvey, the rules were suspended in order to take up out of order the bill, H. 37.

And the bill:

H. 37. To amend Sections 23-1-20 and 23-1-21, Code of Alabama 1975, to change the name of the State Highway Department to the Department of Transportation and change the title of the Highway Director, to the Director of Transportation.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Turnham, Walker, White, Willis and Zoghby.

-86

Nay:

Representative Hall.

- 1

MOTION TO ADJOURN LOST

The motion offered by Representative Hall that the House adjourn until 10:00 o'clock a.m., Thursday, August 19, 1993, was lost.

3rd Day**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Carothers, the rules were suspended in order to take up out of order the bill, H. 44.

And the bill:

H. 44. To provide for the establishment, composition, and powers of the Alabama Agricultural Museum Board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 2.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Bryant, Burke, Buskey, Butler, Cagle, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall, Hammett, Haney, Harper, Hill, Hilliard, Hogan, Holley, Hooper, Kennedy, Knight (A), Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Poole, Powell, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-67

Nay:

Representatives Holmes and Laird.

- 2

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Haynes, the rules were suspended in order to take up out of order the bill, H. 14.

Yeas 59; Nays 2.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Burke, Buskey, Cagle, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Freeman, Fuller, Gaston, Gullatt, Hall, Hammett, Haney, Haynes, Hill, Hilliard, Hogan, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, Millican, Morrow, Morton, Page, Parker (P), Parker (T), Payne, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Spratt, Starkey, Turnham, Venable, Walker, Willis and Zoghby.

-59

Nay:

Representatives McKee and Mikell.

- 2

And the bill:

H. 14. To make both a supplemental appropriation and a conditional appropriation from the Alabama Special Educational Trust Fund to the Alabama Institute for Deaf and Blind for the fiscal year ending September 30, 1993.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Curry, Dolbare, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Haynes, Hill, Hilliard, Hogan, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Perdue, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Turnham, Venable, Walker, Willis and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Penry, the rules were suspended in order to take up out of order the bill, H. 21.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

**FIRST EXTRAORDINARY SESSION
3rd Day**

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Delivered to the Governor at 10:35 A.M. on August 18, 1993.

H.J.R. 2	H.J.R. 26	H.J.R. 30
H.J.R. 6	H.J.R. 27	H.J.R. 5
H.J.R. 7	H.J.R. 28	H.J.R. 9
H.J.R. 8	H.J.R. 31	H.J.R. 11
H.J.R. 10	H.J.R. 32	H.J.R. 12
H.J.R. 16	H.J.R. 20	H.J.R. 13
H.J.R. 3	H.J.R. 21	H.J.R. 14
H.J.R. 18	H.J.R. 23	H.J.R. 15
H.J.R. 19	H.J.R. 24	H.J.R. 17

Delivered to the Governor at 1:45 P.M. on August 18, 1993.

H.J.R. 57

H.J.R. 59

H.J.R. 61

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Butler and pursuant to the resolution, H.R. 76, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, August 19, 1993.

Yeas 44; Nays 41.

Yea:

Representatives Anderson, Barnes, Biddle, Bowling, Buskey, Butler, Cagle, Carns, Clark (W), Crow, Drake, Flowers, Ford, Freeman, Goodwin, Gullatt, Harper, Haynes, Higginbotham, Hilliard, Hogan, Holmes, Johnson, Kennedy, Knight (J), McKee, Melton, Mikell, Morton, Page, Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rockhold, Spratt, Starkey, Turnham, Walker, White, Willis and Zoghby.

-44

Nay:

Representatives Beasley, Black (L), Black (M), Bryant, Burke, Carothers, Carter, Collins, Cosby, Curry, Dolbare, Gaines, Gaston, Hall, Hammett, Haney, Hill, Holladay, Holley, Hooper, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, Millican, Morrow, Newton (C), Petelos, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Thomas, Venable, Warren and Williams.

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FOURTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, August 19, 1993**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative James Cullins.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nick Higginbotham, 5th grade, and Tracey Miller, 4th Grade, Martin Elementary School, Opelika, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Warren, the reading at length of the Journal of the House for the third legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the third legislative day was approved.

BILLS ON SECOND READING

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 3. To amend Section 1 of Act No. 90-394, H. 799 of the 1990 Regular Session (Acts 1990, p. 550), to provide further for the salary of the Sheriff of Dale County.

S. 9. Relating to Lamar County; authorizing the county commission to maintain driveways for schools, churches, and church-owned cemeteries, and school bus turnarounds located within the county.

S. 30. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Leesburg in Cherokee County.

S. 31. To amend Section 2 of Act No. 92-472, S. 615, 1992 Regular Session (Acts 1992 p. 943), to provide an expense allowance for the Tax Assessor of Perry County.

Representative Zoghby, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 8. (With Amendment): To alter, rearrange, and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory to the City, to-wit: as described herein, the Mobile Municipal

Airport and certain areas surrounding the same; to provide for certain city ad valorem tax exemptions; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

Representative Zoghby, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 4. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Dauphin Island in Mobile County.

RESOLUTION

The following resolution was introduced:

By Representative Mikell:

H.R. 80. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, August 19, 1993, that we adjourn to meet again on Tuesday, August 24, 1993.

MOTION TO SUSPEND RULES AND ADOPT OFFERED

Representative Mikell offered the motion to suspend the rules and adopt the resolution, H.R. 80.

DIVISION OF THE QUESTION

Representative Hammett called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Mikell to suspend the rules in order to take up for immediate consideration the resolution, H.R. 80, and the motion was lost.

Yeas 29; Nays 34.

Yea:

Representatives Beasley, Biddle, Bowling, Burke, Butler, Carns, Clay, Crow, Curry, Dolbare, Ford, Freeman, Gaines, Gaston, Haney, Haynes, Holladay, Holley, Laird, Layson, McKee, Melton, Mikell, Parker (T), Payne, Poole, Powell, Rogers (F) and Warren.

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Nay:

Mr. Speaker, Blakeney, Bryant, Cagle, Collins, Cullins, Flowers, Fuller, Hammett, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Hooper, Johnson, Kennedy, Knight (A), Mathis, McDaniel, McMillan, Millican, Morton, Newton (C), Penry, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Starkey, Venable and Zoghby.

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The resolution, H.R. 80, was read and referred to the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Starkey, the rules were suspended in order to take up uncontested local bills on the Calendar.

BILLS ON THIRD READING

H. 89 TEMPORARILY CARRIED OVER

On motion of Representative Powell, the bill, H. 89, was temporarily carried over.

And the bill:

H. 100. (With Amendment): To alter, rearrange, and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory to the City, to-wit: as described herein, the Mobile Municipal Airport and certain areas surrounding the same; to provide for certain city ad valorem tax exemptions; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. 100 on Page 7, Line 13, by striking Section 7 in its entirety and renumbering the remaining sections accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 26; Nays 3.

Yea:

Representatives Black (L), Black (M), Bryant, Burke, Carns, Clay, Curry, Gaston, Hamilton, Hawkins, Higginbotham, Hilliard, Hooper, Kvalheim, Morrow, Morton, Newton (D), Parker (T), Payne, Perdue, Powell, Richardson, Rockhold, Pratt, Turner and Warren.

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Nay:

Representatives Buskey, Harper and Zoghby.

- 3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 100, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 1.

Yea:

Representatives Black (L), Blakeney, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carter, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Ford, Gaston, Hamilton, Harvey, Hawkins, Higginbotham, Hilliard, Holladay, Hooper, Johnson, Kennedy, Kvalheim, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne,

Perdue, Petelos, Powell, Richardson, Rockhold, Spratt, Turner, Venable, Walker, Warren, Willis and Zoghby.

-45

Nay:

Representative Harper.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 99. Relating to Madison County; to amend Sections 2 and 5 of Act No. 84-489, H. 700 of the 1984 Regular Session (Acts 1984, p. 1108) by expanding the weapon and devices which may be subject to forfeiture and provide for the allocation of a percentage of the proceed from the sale of seized weapon or device to the law enforcement.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Beasley, Blakeney, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carter, Collins, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Fuller, Gaston, Gullatt, Hall, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Holladay, Hooper, Johnson, Knight (A), Kvalheim, McDaniel, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Richardson, Rogers (F), Sanderford, Smith (R), Spratt, Venable, Warren, Willis and Zoghby.

-57

And the bill:

H. 46. Relating to compensation for the Houston County Commission; converting the existing expense allowance to salary compensation commencing with the next term of office.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Gaston, Hall, Hamilton, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Hooper, Johnson, Knight (A), Kvalheim, Mathis, McKee, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Smith (C), Spratt, Starkey, Venable, Walker, Warren, Williams, Willis and Zoghby.

-59

And the bill:

H. 47. Relating to Houston County; providing for the establishment of an employee incentive program for certain Houston County employees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Bryant, Burke, Buskey, Butler, Carns, Carothers, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaston, Gullatt, Hall, Hamilton, Hammett, Hawkins, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson, Knight (A), Kvalheim, Letson, Mathis, McDaniel, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Starkey, Venable, Walker, Warren, Williams, Willis and Zoghby.

-58

And the bill:

H. 56. Relating to Houston County; providing further for the compensation of the members of the board of registrars.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Blakeney, Bryant, Burke, Buskey, Butler, Carns, Carothers, Crow, Cullins, Curry, Freeman, Fuller, Gaston, Gullatt, Hall, Hamilton, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Hooper, Johnson, Knight (A), Kvalheim, Mathis, McDaniel, Mikell, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Rockhold, Sanderford, Smith (C), Starkey, Venable, Warren, Williams, Willis and Zoghby.

-54

And the bill:

H. 102. Relating to Montgomery County; providing an expense allowance for the sheriff of Montgomery County; providing for an expiration date thereof; providing for an adjustment in said compensation; providing manner in which compensation shall be paid and provides for enactment date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Black (M), Blakeney, Bryant, Buskey, Butler, Cagle, Carns, Collins, Crow, Curry, Freeman, Gaston, Gullatt, Hall, Hamilton, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Letson, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Perdue, Petelos, Poole, Powell, Rogers (F), Sanderford, Smith (C), Starkey, Venable, Walker, Warren, Williams, Willis and Zoghby.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 39. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Fort Payne in DeKalb County.

was taken up.

SUBSTITUTE OFFERED

Representative Burke offered the following substitute to the bill, H. 39:

A BILL TO BE ENTITLED AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Fort Payne in DeKalb County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The boundary lines and corporate limits of the municipality of Fort Payne in DeKalb County are altered, rearranged, and extended to include within the corporate limits of the municipality, in addition to the lands now included, all of the following territory:

TRACT 1: Beginning at the SE corner of Section 3, Township 7 South, Range 8 East run West with the south line of said Section 3 to the SW corner of the SE 1/4 of the SE 1/4 of said Section 3; thence North with the west line of the east 1/2 of the SE 1/4 of said Section 3 to the top of Shinbone Ridge; thence Northeasterly with the top of Shinbone Ridge, 3,300 ft.; thence run SE, 1,950 ft. and to the centerline of Dugout Valley Road; thence run NE with said centerline, 1,700 ft.; thence SE, 900 ft. and to the east line of the west 1/2 of the NE 1/4 of said Section 2; thence south with the east line of the west 1/2 of the NE 1/4 of said Section 2 to the existing Fort Payne City Limits; thence Northwesterly with the existing Fort Payne City Limits, approximately 1,050 ft.; thence Southwesterly with the Fort Payne City Limits, approximately 1,500 ft; thence Southeasterly with Fort Payne City Limits, approximately 3,100 ft.; thence Southwesterly with the Fort Payne City Limits to the south line of the NW 1/4 of Section 11, Township 7 South, Range 8 East; thence West with the south line of the NW 1/4 of said Section 11 to the SW corner of the SE 1/4 of the NW 1/4 of said Section 11; thence North with the west line of the SE 1/4 of the NW 1/4 of said Section 11 to the NW corner thereof; thence West with the south line of the NW 1/4 of the NW 1/4 of said Section 11 to the SW corner thereof; thence North with the west line of said Section 11 to the point of beginning.

Said annexation lying in Sections 2, 3 and 11, Township 7 South, Range 8 East in Dekalb County, Alabama.

TRACT 2: The S 1/2 of the NE 1/4 of Section 11; and the S 1/2 of the NW 1/4 of Section 12, Township 7 South, Range 9 East.

TRACT 3: The W 1/2 of the E 1/2 of Section 6, Township 7 South, Range 10 East.

TRACT 4: the SW 1/4 of the SW 1/4 of Section 14, Township 7 South, Range 9 East and the SE 1/2 of the SE 1/4 of the NE 1/4 of the SE 1/4 Section 15, Township 7 South, Range 9 East.

TRACT 5: The NW 1/2 of the SW 1/4; the W 1/2 of the NW 1/4; and the SW 1/2 of the SE 1/4 of the NW 1/4; all in Section 10, Township 6 South, Range 9 East.

TRACT 6: The SE 1/4 of the SE 1/4 of Section 25, Township 6 South, Range 9 East.

Section 2. That the boundary lines and corporate limits of the City of Fort Payne in DeKalb County are altered, rearranged and diminished so as to exclude within the corporate limits of said city, the lands now included, all of the following territory, to-wit:

TRACT 1: All those portions of Sections 11 and 12, Township 6 South, Range 9 East lying North of The Wade Gap Road.

Tract 2: Commencing at the SW corner of Section 11, Township 7 South, Range 8 East and run North along the section line, 1320 ft. for a point of beginning: Thence continue North with said section line, 1320 ft.; thence run due East, 600 ft.; thence North, 500 ft., thence East, 700 ft.; thence South, 1,400 ft.; thence SW 500 ft.; thence West, 1,100 ft. and to the point of beginning. Lying and being a portion of Section 11, Township 7 South, Range 8 East in DeKalb County, Alabama.

Section 3. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the municipality of Fort Payne is on file in the office of the Judge of Probate in DeKalb County, Alabama, and the map is open to the inspection of the public.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Bryant, Burke, Butler, Cagle, Carns, Collins, Crow, Cullins, Curry, Gaston, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, McDaniel, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Starkey, Warren, Williams, Willis and Zoghby.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 39, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Bryant, Burke, Butler, Cagle, Carns, Collins, Crow, Cullins, Curry, Fuller, Gaston, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, McDaniel, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Starkey, Warren, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 48. (With Substitute): Relating to Class 1 municipalities; providing, subject to voter approval, for the election of the city board of education from nine single-member districts.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 2, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Class 1 municipalities; providing, subject to voter approval, for the election of the city board of education from nine single-member districts.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Provided that reorganization of the city board under this act has first been approved by a majority of the electors of the municipality participating in a special election called under Section 7 of this act, the city council of any Class 1 municipality shall call an election to elect the district members of the reorganized school board, the election to be held on the date of the first regular city council election occurring after 90 days following the final approval of the nine member elected school board provided for in this act by the United States Department of Justice.

Section 2. The city board of education of any Class 1 municipality reorganized under this act shall consist of nine members who shall be elected from the nine single-member districts established for the election of members of the city governing body by a majority of the electors residing in each district.

Section 3. Each member of a board reorganized under this act shall have been a resident of the district from which elected for at least one year at the time of the election and shall continue to be a resident during the term of office.

Section 4. The method and dates for qualifying as a candidate for a city board of education reorganized under this act and the conduct of elections shall be the same as for the election of the city council, including the provisions for second elections when no candidate obtains a majority of votes in the first election. The initial elections held under this act shall be set by the city council of the Class 1 municipality at the first city council election held after 90 days following final approval of this act by the United States Department of Justice.

Section 5. Members of a reorganized board of education shall take office immediately following certification of their election. Terms of office shall be for four years. Members may succeed themselves once, and after one term out of office may seek office again.

Section 6. Vacancies occurring on the board shall be filled by appointment of a resident of a reorganized district from which the vacancy occurred by a majority of the remaining members of the board. At the next municipal election,

the position shall be filled for the remainder of the term. If a member moves outside the district, the position shall be vacant and shall be filled as provided for vacancies. The changing of district lines by reason of redistricting to conform to the most recent Federal Decennial Census shall not be deemed to cause a vacancy during a term of office.

Section 7. The reorganization of the school board described in this act shall first be approved by a majority of the qualified electors of the Class 1 municipality who vote at a referendum election held for this purpose. The election shall be held and conducted as nearly as may be in the same way as municipal bond issue elections, as provided in Sections 11-81-53 through Section 11-81-61, Code of Alabama 1975, and shall be held on the same day as the next special, general, or primary election held in the municipality following final passage of this act. Notice of the election shall be given by the governing body of the municipality, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Shall the school board of the City of [name of city] _____ be reorganized under Act No. ____ with nine members, each elected from a separate council district? Yes () No ()."

If a majority of the votes cast at the election are affirmative votes, the school board of such Class 1 municipality shall be reorganized as provided in this act. If a majority of the votes cast are in the negative, the city school board shall not be reorganized under this act. The governing body of the municipality shall immediately certify the results of the election to the City Clerk of the city, the Probate Judge of the county in which situated, and the Secretary of State.

Section 8. The provisions of this act are supplemental and shall be construed in pari materia with other laws applicable to city boards of education and any Class 1 city board of education; however, those laws or parts of laws in direct conflict or inconsistent with this act are superseded and repealed by this act.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Bryant, Butler, Carns, Collins, Crow, Curry, Freeman, Gaines, Gaston, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Hill, Hilliard, Holladay, Holley, Knight (A), Kvalheim, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Rockhold, Rogers (F), Sanderson, Smith (C), Spratt, Starkey, Warren, Willis and Zoghby.

-43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Representative Curry offered the following amendment to the bill, H. 48, as amended:

Amend H. 48 on page 2, Section 3, 17, after the word "and" by inserting the following: be a qualified elector and

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey, Butler, Cagle, Carns, Collins, Crow, Cullins, Curry, Freeman, Gaines, Gaston, Hall, Hawkins, Hill, Hilliard, Hogan, Holladay, Knight (A), Knight (J), Kvalheim, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Rockhold, Rogers (F), Sanderson, Spratt, Starkey, Warren, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 48, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 34; Nays 5.

Yea:

Mr. Speaker, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey, Butler, Cagle, Carns, Crow, Ford, Freeman, Hall, Hamilton, Harper, Harvey, Hawkins, Hilliard, Hogan, Holladay, Holley, Morrow, Newton (D), Parker (P), Parker (T), Payne, Perdue, Rogers (F), Smith (C), Spratt, Starkey, Warren and Willis.

-34

Nay:

Representatives Curry, Gaines, Morton, Petelos and Sanderson.

- 5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 21. To amend Sections 9-13-63 and 9-13-82, Code of Alabama 1975, relating to forest products, to provide further for the maintenance of certain records and for the privilege and severance taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turner, Venable, Warren, White, Williams, Willis and Zoghby.

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CO-SPONSORS ADDED

Representatives Black (L), Black (M), Box, Bryant, Butler, Cagle, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Fuller, Hall, Hammett, Haney, Harvey, Hill, Hogan, Holladay, Johnson, Knight (A), Kvalheim, Layson, Letson, Lindsey, McDaniel, Morrow, Morton, Powell, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Thomas, Turner, Venable, Walker, Williams, Willis and Zoghby were added as co-sponsors to the bill, H. 21.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 46. COMMENDING CHARLEY MCCALL OF DOTHAN, ALABAMA, OUTSTANDING HUMANITARIAN.

Also:

H.J.R. 47. COMMENDING THE RACING CITY ALL-STARS LITTLE LEAGUE 1993 CHAMPIONSHIP TEAM.

Also:

H.J.R. 48. COMMENDING TALLEDEGA'S 13-15-YEAR-OLD GIRLS SOFTBALL TEAM AS DISTRICT 4 LITTLE LEAGUE SOFTBALL CHAMPIONS.

Also:

H.J.R. 49. COMMENDING TALLADEGA'S 11-12-YEAR-OLD GIRLS SOFTBALL TEAM ON THEIR DISTRICT 4 LITTLE LEAGUE SOFTBALL CHAMPIONSHIP.

Also:

H.J.R. 50. RECOGNIZING THE ALABAMA FORESTRY ASSOCIATION AND THE ALABAMA FORESTRY COMMUNITY FOR THEIR GENEROUS CONTRIBUTIONS TO "LOG A LOAD FOR KIDS '93."

Also:

H.J.R. 51. RECOGNIZING TROY STATE UNIVERSITY AT DOTHAN ON SIX CONSECUTIVE YEARS OF GROWTH AND PROGRESS.

Also:

H.J.R. 53. COMMENDING PAUL D. STRICKLAND, JR., RECIPIENT OF THE 1993 HOSPITAL TRUSTEE OF THE YEAR AWARD.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 55. MOURNING THE DEATH OF WILLIAM H. "WAXEY" BASSETT OF MOBILE, ALABAMA.

Also:

H.J.R. 56. COMMENDING MOBILE RESTAURANTEUR, JACK SMITH ON HIS RETIREMENT.

Also:

H.J.R. 68. NAMING CERTAIN ROADS IN ESCAMBIA COUNTY.

Also:

H.J.R. 70. MOURNING THE DEATH OF RICHARD J. KARTZKE OF NEW ORLEANS, LOUISIANA.

Also:

H.J.R. 77. HONORING THE BROWN-GRANT FAMILY ON THEIR ALABAMA REUNION.

Also:

H.J.R. 79. MOURNING THE DEATH OF A. J. BLAKE OF PELL CITY, ALABAMA.

McDOWELL LEE
Secretary

MOTION TO RECESS ADOPTED

The motion offered by Representative Mathis that the House recess from 12:00 o'clock Noon until 1:30 o'clock p.m. was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 27. (With Substitute) (With Amendments): To add an article to Chapter 10 of Title 41 of the Code of Alabama 1975, relating to the State Industrial Development Authority; to make legislative findings with respect to the need for additional powers of the Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and research projects; to establish criteria for the selection of enterprises and projects eligible for financing the the Authority; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to permit the Authority to grant certain incentives to companies proposing to construct projects in the state, including credits against the corporate income tax and the collection of certain fees from employees; to grant to employees from whom such fees have been collected a credit against state income taxes; to permit the Authority to establish tax increment funds out of which project obligations may be made payable and to provide for payments into such funds; to permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to confirm that the Authority is exempt from taxation and from state laws governing usury and competitive bids; and to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm, or corporation.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

To make legislative findings with respect to the need for additional powers of the State Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and research projects; to establish criteria for the selection of enterprises and projects eligible for financing by the Authority; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to grant certain incentives to companies proposing to construct projects in the State, including credits against the corporate income tax and the collection of certain fees from employees; to grant to employees from whom such fees have been collected a credit against State income taxes; to permit the Authority to establish tax increment funds out of which Project Obligations may be made payable and to provide for payments into such funds; to permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to confirm that the Authority is exempt from taxation and from State laws governing usury and competitive bids; and to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm or corporation.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Harper offered the following substitute to the committee substitute to the bill, H. 27:

A BILL TO BE ENTITLED AN ACT

To make legislative findings with respect to the need for additional powers of the State Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and research projects; to establish criteria for the selection of enterprises and projects eligible for financing by the Authority; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the

proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to grant certain incentives to companies proposing to construct projects in the State, including credits against the corporate income tax and the collection of certain fees from employees; to grant to employees from whom such fees have been collected a credit against State income taxes; to permit the Authority to establish tax increment funds out of which Project Obligations may be made payable and to provide for payments into such funds; to permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to require the Authority to report to the Legislature annually; to confirm that the Authority is exempt from taxation; and to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm or corporation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. Amendment of Title 41, Chapter 10 of the Code of Alabama 1975. Title 41, Chapter 10 of the Code of Alabama 1975 is hereby amended by adding the following as Article 2A thereof:

"ARTICLE 2A

Additional Powers of State Industrial Development Authority

§ 41-10-44.1. Legislative Intent With Respect to Additional Powers of the Authority.

The Legislature has found and determined that the economic well-being of the citizens of the State of Alabama will be enhanced by the increased development and growth of industry within the State and that it is in the best interest of the State to induce the location or expansion of industrial and research facilities within the State in order to promote the public purpose of creating new jobs within the State. The Legislature further has found and determined that the inducements herein provided will encourage the creation of jobs which would not otherwise exist and will create new sources of tax revenues for the State and its political subdivisions. The Legislature hereby finds and declares that the powers to be granted to the Authority by this Act and the purposes to be accomplished hereby are proper governmental and public purposes and that the inducement of the location or expansion of industrial and research facilities within the State is of paramount importance. The Legislature intends that the powers herein granted to the Authority shall be in addition to those which it already possesses.

This Act shall be liberally construed in conformity with intentions of the Legislature expressed above.

§ 41-10-44.2. **Additional Definitions.** In addition to the definitions contained in Sections 41-10-20 and 41-10-36, the following terms shall have the following meanings, respectively, when used in this Article 2A unless the context clearly requires otherwise:

"Approved Company" means any corporation, partnership, trust or other form of business entity approved by the Authority pursuant to the provisions hereof.

"Financing Agreement" means any loan, agreement, financing agreement, credit agreement, security agreement, mortgage, guaranty agreement or other type of agreement entered into by the Authority and an Approved Company in connection with the financing of a Project by the Authority.

"Industrial or Research Enterprise" means any trade or business described in 1987 Standard Industrial Classification Major Groups 20 through 39, inclusive, 50 and 51, Industrial Group Number 737, and Industry Numbers 8731, 8733 and 8734, as set forth in the Standard Industrial Classification Manual published by the United States Government Office of Management and Budget, and includes such trades and businesses as the same may be hereafter reclassified in any subsequent publication of the Standard Industrial Classification Manual.

"Job Development Fee" means the amount permitted to be withheld by an Approved Company from the gross wages of the employees at a Project pursuant to the provisions of this Act.

"Major Project" means any Project the capital cost of which is expected to equal or exceed \$100,000,000.

"Project" means any land, building or other improvement, and all real and personal properties deemed necessary or useful in connection therewith, whether or not now in existence, which shall be located in the State and shall be acquired, constructed, expanded or installed for use by an Approved Company as an Industrial or Research Enterprise.

"Project Costs" means all costs and expenses incurred by the Authority or an Approved Company in connection with the acquisition, construction, installation and equipping of a Project, including, without limitation:

- a. The costs of acquiring, constructing, installing and equipping a Project, including all obligations incurred for labor and to contractors, subcontractors, builders, and materialmen;
- b. The costs of acquiring land or rights in land and any cost incidental thereto, including recording fees;
- c. The costs of contract bonds and of insurance of all kinds that may be required or necessary during the acquisition, construction or installation of a Project;
- d. The costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations,

environmental mitigation and supervision of construction, as well as for the performance of all the duties required by or consequent upon the acquisition, construction and installation of a Project;

e. The costs associated with installation of fixtures and equipment; surveys, including archeological and environmental surveys; site tests and inspections; subsurface site work; excavation; removal of structures, roadways, cemeteries, and other surface obstructions; filling, grading, and provisions for drainage, storm water retention, installation of utilities, including water, sewer, sewage treatment, gas, electricity, communications, and similar facilities; off-site construction of utility extensions to the boundaries of the property; and paving;

f. Interest costs prior to and during the acquisition, construction, installation and equipment of the Project and for a period of up to two years after completion of the Project;

g. All costs, expenses and fees incurred in connection with the issuance of Project Obligations, including, without limitation, all legal, accounting, financial, printing, recording, filing and other fees and expenses;

h. The costs for obtaining bond insurance, letters of credit or other forms of credit enhancement or liquidity facilities; and

i. All other costs of a nature comparable to those described.

"Project Obligation" means any bond, note, debenture, certificate or other form of indebtedness, including refunding bonds or obligations, issued by the Authority pursuant to this Article 2A.

"Tax Increment Fund" means any trust fund established pursuant to Section 41-10-44.8.

§ 41-10-44.3. Additional Powers of Authority. In addition to the powers granted to it in Section 41-10-26 and in Sections 41-10-37 through 41-10-43, the Authority shall have the following powers:

(1) To adopt and alter bylaws for the regulation and conduct of its affairs and business;

(2) To borrow money and to issue Project Obligations, whether or not the interest thereon is excluded from gross income for federal income tax purposes, for the purpose of financing Project Costs, and to provide for the rights of the purchasers, holders or owners of its Project Obligations;

(3) To execute and deliver mortgages, security agreements and trust indentures and other forms of agreements for the purpose of securing its Project Obligations, and in connection therewith, to mortgage, pledge or assign the

revenues, receipts and other property of the Authority received, and the Financing Agreements entered into by the Authority in connection with, the financing of Projects under this Article 2A;

(4) To purchase promissory notes, mortgages, security interests or participations in promissory notes evidencing loans executed to provide financing for Projects and to enter into contracts and agreements in that regard;

(5) To make loans to any Approved Company for Project Costs, which loans may be evidenced or secured by loan agreements, promissory notes, mortgages, security agreements, assignments, letters of credit, guaranties, surety bonds, insurance policies or such other instruments, or upon such terms and conditions as the Board of Directors shall determine to be reasonable. In entering into any Financing Agreement, the Authority shall have the right and power to require the inclusion therein of such provisions or requirements for guaranties of obligations, insurance, construction, use, operation, maintenance, management and financing of a Project, and such other terms and conditions, as the Authority may deem desirable and appropriate;

(6) To arrange for various forms of security or credit enhancement for its Project Obligations including letters of credit, guaranties, policies of insurance, surety bonds and the like;

(7) To sell mortgages and security interests at public or private sale, to negotiate modifications or alterations in mortgage and security interests, to foreclose on any mortgage or security interest in default or commence any action to protect or enforce any right conferred upon it by any law, mortgage, security agreement, contract, or other agreement, and to bid for and purchase property which was the subject of such mortgage or security interest at any foreclosure or at any other sale, to acquire or take possession of any such property, and to exercise any and all rights as provided by law for the benefit or protection of the Authority or the holders of Project Obligations;

(8) To collect such fees and charges in connection with its loans, Project Obligations and Financing Agreements, including, but not limited to, reimbursement of costs of financing, as the Authority shall determine to be reasonable;

(9) To make and execute contracts for the servicing of loans made by the Authority and mortgages acquired by the Authority and to pay the reasonable value of services rendered to the Authority pursuant to such contracts;

(10) To accept gifts, grants, loans, appropriations and other forms of aid from the federal government, the State or any State agency, or any political subdivision of the State, or any person or corporation, foundation, or legal entity, and to agree to and comply with any conditions attached to federal and State financial assistance not inconsistent with the provisions of this Article 2A;

(11) To invest moneys of the Authority not required for immediate use, including proceeds from the sale of any Project Obligations, in such manner as the Board of Directors shall determine;

(12) To establish accounts in one or more depositories;

(13) To appoint, employ, contract with and provide for the compensation of, such employees and agents, including engineers, attorneys, contractors, consultants, accountants, fiscal advisors, trustees, paying agents, investment bankers and underwriters as the Board of Directors shall deem necessary or desirable for the conduct of the business of the Authority; provided, however, that when hiring investment bankers and underwriters, the Board of Directors shall retain the firm(s) requested by an Approved Company unless there is a compelling reason to the contrary, and provided further that when hiring investment bankers, underwriters, or attorneys, they shall retain a firm(s) whose principal office is located in the state;

(14) To make, enter into and execute Financing Agreements and such other contracts, agreements or other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the Authority was organized or to exercise any power granted to it;

(15) To establish one or more Tax Increment Funds with respect to a Project as provided in Section 41-10-44.8;

(16) To exercise any power granted by the laws of the State to public or private corporations which is not in conflict with the public purpose of this Act; and

(17) To adopt and promulgate administrative regulations necessary or appropriate to effectuate its purposes and to administer the program authorized herein.

§ 41-10-44.4. Determination of Approved Companies. The Authority shall promulgate criteria for the determination and selection of Approved Companies and the approval of Projects proposed by such Companies. Such criteria shall give greatest weight to the creditworthiness of the Project sponsors, the number, type and quality of new jobs to be provided by the Project to residents of the State, and the economic viability of the proposed Project. The Authority may include in its criteria requirements relating to the capital costs of, and projected employment to be produced by, Projects eligible for financing under this Act. With respect to each applicant for financing under this Act, and with respect to the Project described in its application, the Authority shall request such materials and make such inquiries as are necessary to determine whether the applicant and its proposed Project satisfy the Authority's announced criteria and to conduct an adequate cost/benefit analysis with respect to the proposed Project and the incentives proposed to be granted by the Authority with respect thereto. After a diligent review of the relevant materials and completion of its inquiries and analysis, the Authority may by resolution of its Board of Directors designate an applicant as an Approved Company and authorize the undertaking of its Project.

§ 41-10-44.5. Project Obligations Generally.

(a) Issuance of Project Obligations.--The Authority is authorized and empowered to issue its Project Obligations from time to time for the purpose of financing one or more Projects in such aggregate principal amount as the Board of Directors shall determine to be necessary to provide for all or a portion of the Project Costs of the Project or Projects being financed and to pay the expenses of issuing the Project Obligations.

(b) Source of Payment.--All Project Obligations issued by the Authority shall be limited obligations of the Authority payable solely from any combination of the following: (1) the revenues and receipts of the Authority derived from the Financing Agreement or Agreements entered into by the Authority with respect to the Project or Projects financed by such Project Obligations; (2) the income or proceeds realized by the Authority under any mortgage or other security granted to the Authority; (3) amounts derived from any letter of credit, insurance policy or other form of credit enhancement applicable to the Project Obligations or loans made from the proceeds thereof; (4) any reserve or other fund established for such purpose by the Authority; (5) any earnings on the proceeds of Project Obligations invested by the Authority pending their disbursement; and (6) any Tax Increment Fund or Funds established by the Authority. Project Obligations shall not be general obligations of the Authority, shall not be payable from any portion of the tax receipts pledged and appropriated to the Authority for payment of Bonds issued under Article 2 and shall not create a debt or obligation of the State.

(c) Pledge of revenues, receipts and other security.--The principal of, premium, if any, and interest on any Project Obligations issued by the Authority shall be secured by a pledge of the revenues, receipts, funds and other property out of which the same may be payable and may be secured by a mortgage and deed of trust or trust indenture conveying as security for such Project Obligations all or any part of the property of the Authority from which the revenues or receipts so pledged may be derived.

The resolution of the Board of Directors under which any Project Obligations are authorized to be issued and any such mortgage and deed of trust or trust indenture may contain any agreements and provisions respecting the collection and disposition of the revenues and receipts subject to such mortgage and deed of trust or trust indenture, the creation and maintenance of special funds from such revenues and receipts, the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made and the rights and remedies available in the event of default, all as the Board of Directors shall deem advisable. Any pledge made with respect to Project Obligations shall be valid and binding from the time such pledge is made; the revenues, receipts, funds and other property so pledged shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and the lien of such pledge shall be valid and binding as against all parties having claims of any kind against the Authority irrespective of whether such

parties have notice thereof. Neither the resolution of the Board of Directors authorizing the Project Obligations nor any other instrument by which such pledge is created need be recorded. Nonetheless, the Authority may elect to have the provisions of the Alabama Uniform Commercial Code apply to any pledge made by or to the Authority to secure its Project Obligations by filing a financing statement or statements with respect to the security interest created by such pledge, notwithstanding the exclusion of Section 7-9-104(e) of the Code of Alabama 1975. Each pledge, agreement, mortgage and deed of trust or trust indenture made for the benefit or security of any of the Project Obligations of the Authority shall continue effective until the principal of and interest on the Project Obligations for the benefit of which the same were made shall have been fully paid.

In the event of default in such payment or in any agreements of the Authority made as a part of the contract under which the Project Obligations were issued, whether contained in the proceedings authorizing the Project Obligations or in any mortgage and deed of trust or trust indenture executed as security therefor, such default may be enforced by mandamus, the appointment of a receiver, or either of said remedies, and foreclosure of such mortgage and deed of trust or trust indenture may, if provided for in said instrument, be had.

(d) Execution.--All Project Obligations issued by the Authority shall be signed by the President or the Vice President of the Authority and attested by its Secretary, and the seal of the Authority shall be affixed thereto and attested by the Secretary. The signatures of the President, the Vice President and the Secretary may be facsimile signatures and a facsimile of the seal of the Authority may be imprinted on Project Obligations if the Board of Directors provides for the manual authentication of Project Obligations by a trustee, or paying agent. Delivery of any Project Obligations so executed shall be valid notwithstanding any change in the officers of the Authority or in the seal of the Authority after such delivery.

(e) General provisions respecting form, interest rate, maturities, sale and negotiability of Project Obligations.-- Project Obligations may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this Article, and shall bear such rate or rates of interest, payable and evidenced in such manner, or may bear no interest, as may be provided by resolution of the Board of Directors. Project Obligations of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the Board of Directors to be most advantageous. The Authority may pay all fees, expenses, premiums and commissions incurred in connection with the issuance of any of its Project Obligations. All Project Obligations, except those registered as to principal or as to both principal and interest, and any interest coupons applicable thereto issued by the Authority, shall be construed to be negotiable instruments although payable solely from a specified source.

(f) Eligibility for investment.--Project Obligations of the Authority are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the State.

§ 41-10-44.6. Proceeds from the Sale of Project Obligations; Revenues and Other Funds.

(a) After making adequate provision for the payment of the expenses of issuance, the Authority is authorized and empowered to use the proceeds of any Project Obligations, together with any other available funds, (i) to finance Project Costs as herein authorized; (ii) to fund such reserves as the Authority deems necessary and desirable; and (iii) to the extent not needed for the foregoing uses, to pay or redeem such Project Obligations.

(b) Pending the application of the proceeds of Project Obligations to the purpose or purposes for which such Project Obligations were issued, such proceeds may be invested by the Authority in such manner, consistent with the resolution pursuant to which such Project Obligations are issued, as the Board of Directors may deem advisable.

(c) Any and all revenues, receipts, investment earnings and other funds paid to, or otherwise coming into the possession of, the Authority as a result of financings accomplished from the proceeds of Project Obligations, shall be held, deposited, administered, invested and applied as provided in the resolution of the Board of Directors authorizing the issuance of such Project Obligations and as provided in any trust indenture or other agreement delivered in connection therewith, or otherwise as the Authority may direct, consistent with the provisions of such resolution, trust indenture or other agreement.

§ 41-10-44.7. Tax Credits, Job Development Fees and Other Incentives. (a) Upon the issuance by the Authority of its Project Obligations for the purpose of financing a Project for an Approved Company, the Approved Company:

(1) shall receive a credit against the corporate income tax levied by Section 40-18-31 that otherwise would be owed to the State in any year by the Approved Company on its income generated by or arising out of the Project, such credit not to exceed the lesser of (i) the amount due in tax, or (ii) the amount paid by the Approved Company pursuant to a Financing Agreement in the year for which the tax is due, corresponding to debt service on the Project Obligations; and

(2) may elect to withhold and retain the aggregate Job Development Fees described in paragraph (b) below, but only to the extent that debt service payments under the Financing Agreement(s) exceed the income tax credit permitted in (1) above; provided, however, that in the case of an approved company

which has not previously had any business operations in Alabama and which company's average wages paid to new employees in connection with an approved project do not exceed ten (10) dollars per hour, the Job Development Fee may not be withheld.

The incentives described in (1) and (2) above shall be available to an Approved Company whose Project is financed by the Authority's Project Obligations for a period commencing on the date of issuance of such Project Obligations and, subject to the provisions of paragraph (c) below, ending on the first to occur of the following: (i) the termination of the Financing Agreement(s) entered into with respect to such Project Obligations; (ii) the maturity or earlier redemption or payment of the Project Obligations; or (iii) 25 years from the date the Project is first placed in service. Immediately upon issuing any Project Obligations, the Authority shall provide to the Department of Revenue the name of the Approved Company for whose benefit such Project Obligations were issued and sufficient information to determine the duration of the corporate income tax credit and the Job Development Fees described in (1) and (2) above, respectively.

(b) As provided in paragraph (a) (2) above, an Approved Company may require, as a condition of employment, that each person employed by the Approved Company at the Project financed by the Authority's Project Obligations agree to permit the Approved Company to deduct and withhold a Job Development Fee not to exceed five percent (5%) from the gross wages paid to such employee by the Approved Company. Job Development Fees shall not be collected from persons employed by an Approved Company prior to the entry by such Approved Company into an agreement with the Authority for financing of a Project. If an Approved Company elects to collect a Job Development Fee, it shall deduct the said fee from the paycheck of each new employee and shall make its payroll books and records available for inspection by the Authority or its designee at such reasonable times as the Authority may request. Each Approved Company collecting a Job Development Fee shall be required to file with the Authority such information and documentation respecting the imposition and collection of such fee as the Authority may require. Each Approved Company collecting a Job Development Fee shall be permitted a credit against the withholding tax liability provided in Section 40-18-76 otherwise owed to the State, such credit not to exceed the lesser of (i) the amount of such tax, or (ii) the aggregate Job Development Fees withheld.

Each employee who has been assessed a Job Development Fee as provided above, shall be entitled to a credit against his or her State income taxes in an amount equal to 100% of the Job Development Fee withheld from the employee's wages during the calendar year. Each employee who has been assessed a Job Development Fee as provided above shall be entitled to a credit against his or her withholding tax liability calculated pursuant to Section 40-18-71 in an amount equal to 100% of the Job Development Fee withheld from the employee's wages during the calendar year.

(c) If an Approved Company fails to achieve the level of capital investment or employment anticipated at the time the Authority agreed to finance its Project, the Department of Revenue may, after notice and hearing, reduce or suspend all or any part of such incentives until such time as the anticipated capital investment and employment levels are met; provided, however, that such incentives shall not be suspended retroactively. The Authority may provide in the Financing Agreement(s) entered into in connection with a Project for the levels of capital investment and employment expected to be achieved and for the time period(s) in which such levels are to be achieved.

(d) The Board of Directors of the Authority may, upon the written request of any local industrial development board, industrial development association, chamber of commerce or other similar local entity, solicit and request from any person, corporation, foundation or other legal entity any gift, grant, contribution, loan or other kind of aid or assistance, whether in the form of property, services or monies, which the Board of Directors deems necessary to provide to an Approved Company in order to induce such Company to undertake a Major Project within the State. Any such solicitation or request by the Authority may be made only upon the condition that the person, corporation, foundation or other legal entity from whom assistance is requested agrees to continue its support for local economic development activities. The Authority shall only be permitted to solicit assistance with respect to identified Major Projects and shall not solicit contributions for any general purpose. Any assistance which is provided to the Authority and not used for the Major Project for which it was requested, shall be returned pro rata to the persons, corporations, foundations or other entities providing such assistance. The decision to provide all or a portion of the assistance requested by the Authority shall lie solely within the discretion of the person, corporation, foundation or other legal entity receiving the request. Any assistance provided to the Authority pursuant to the provisions of this paragraph (d) is hereby deemed to have a valid business purpose and shall be allowed as a deduction against the corporate income tax levied by Section 40-18-31, the personal income tax levied by Section 40-18-2, or the financial institution excise tax levied by Section 40-16-4, whichever is appropriate. If assistance is provided to the Authority by any person, corporation, foundation or other legal entity, whether regulated or non-regulated, the cost of such assistance will be deemed to be a prudent, legal and non-discriminatory expenditure for all purposes of State law and regulation.

§ 41-10-44.8. Establishment of Tax Increment Funds. In order to provide a method of financing Project Costs other than by the issuance of Project Obligations payable from the amounts required to be paid by an Approved Company under a Financing Agreement, the Authority may establish one or more Tax Increment Funds with respect to a Project, into which the Authority and an Approved Company may agree that the Approved Company will deposit either or both of the following: (i) an annual amount equal to the amount of corporate income tax levied by Section 40-18-31 that otherwise would be owed by the Approved Company on its income generated by or arising from such Project, and

(ii) the aggregate Job Development Fees withheld by the Approved Company as provided in Section 41-10-44.7. The Authority may also arrange for any gifts, grants, loans, appropriations or other forms of aid from the federal or State governments or from any other public or private entity to be paid into a Tax Increment Fund. As provided in Section 41-10-44.5, the Authority may issue and sell Project Obligations payable solely or in part from the monies in any such Tax Increment Fund and may use the proceeds of any such Project Obligations for the payment of Project Costs. If determined to be necessary or desirable, the Authority and an Approved Company may specify a minimum annual amount to be paid into a Tax Increment Fund with respect to corporate income taxes and Job Development Fees. Any Tax Increment Fund established pursuant to this section shall be held by the Authority or by a trustee designated by the Authority as a trust fund for the benefit of the owners of the Authority's Project Obligations, all upon such terms as the Board of Directors may establish by resolution.

Any payments into a Tax Increment Fund made by an Approved Company with respect to corporate income taxes as provided in (i) above, shall be permitted as a credit against the corporate income tax levied by Section 40-18-31 that would otherwise be owed to the State in any year by such Approved Company on its income generated by or arising from the Project, such credit not to exceed the lesser of the amount due in tax, or the amount (exclusive of Job Development Fees) paid into the Tax Increment Fund.

§ 41-10-44.9. Refunding Obligations. Any Project Obligations issued by the Authority may from time to time be refunded by the issuance, by sale or exchange, of refunding bonds or obligations payable from the same or different sources for the purpose of paying all or any part of the principal of the Project Obligations to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such Project Obligations that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the Project Obligations to be refunded, any interest to accrue on each Project Obligation to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with refunding; provided, that unless duly called for redemption pursuant to provisions contained therein, the holders of any such Project Obligations then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding Project Obligations for such refunding. Any refunding bonds or obligations may be sold by the Authority at public or private sale at such price or prices as may be determined by the Board of Directors to be most advantageous, or may be exchanged for the Project Obligations to be refunded. Any such refunding bonds or obligations may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and have such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this article, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of the Board of Directors.

Any refunding bonds or obligations issued by the Authority shall be issued and secured in accordance with the provisions of Section 41-10-44.5; provided, however, that no refunding bonds shall be issued unless the present value of all debt service on the refunding bonds (computed with a discount rate equal to the true interest rate of the refunding bonds and taking into account all underwriting discount and other issuance expenses) shall not be greater than 95% of the present value of all debt service on the bonds to be refunded (computed using the same discount rate and taking into account the underwriting discount and other issuance expenses originally applicable to such bonds) determined as if such bonds to be refunded were paid and retired in accordance with the schedule of maturities (considering mandatory redemption as a scheduled maturity) provided at the time of their issuance. Provided further that the average maturity of the refunding bonds, as measured from the date of issuance of such refunding bonds, shall not exceed by more than three years the average maturity of the bonds to be refunded, as also measured from such date of issuance, with the average maturity of any principal amount of bonds to be determined by multiplying the principal of each maturity by the number of years (including any fractional part of a year) intervening between such date of issuance and each such maturity, taking the sum of all such products, and then dividing such sum by the aggregate principal amount of bonds for which the average maturity is to be determined.

§ 41-10-44.10. Notice of resolution; limitation on proceedings questioning or attacking obligations. Upon the adoption by the Board of Directors of the Authority of any resolution providing for the issuance of Project Obligations, the Authority may, in its discretion, cause to be published once a week for two consecutive weeks, in newspapers published or having a general circulation in the cities of Birmingham, Montgomery, Huntsville and Mobile, a notice in substantially the following form (the blanks being properly filled in) at the end of which shall be printed the name and title of either the President or the Secretary of the Authority:

"The State Industrial Development Authority, a public corporation under the laws of the State of Alabama, on the _____ day of _____, authorized the issuance of \$_____ principal amount of bonds or other obligations of the said public corporation for purposes authorized in Title 41, Chapter 10, Article 2A of the Code of Alabama 1975. The proceeds from the sale of the said bonds or other obligations are proposed to be used to finance the acquisition, construction and installation of facilities to be located at _____, for the use and occupancy of _____. Any action or proceeding questioning the validity of the said bonds or other obligations, the security thereof, the use of the proceeds thereof or the proceedings authorizing the same, must be commenced within 30 days after the first publication of this notice."

Any action or proceeding in any court to set aside or question the proceedings for the issuance of the Project Obligations referred to in said notice or to contest the validity of any such Project Obligations, or the validity of security therefor, or the validity of the proposed use of the proceeds thereof, must be

commenced within 30 days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking any of the foregoing shall be asserted, nor shall the validity of the said proceedings, Project Obligations, security or use of proceeds be open to question in any court on any ground whatsoever except in an action commenced within such period.

§ 41-10-44.11. Requirement to report to the Legislature. The Authority shall report annually to the Legislature as to the outstanding projects. Such report shall be due on the fifth legislative day of each Regular Session and shall include a detailed accounting of each project approved that year, the value of each outstanding project, the date each project will be completed, the criteria and cost/benefit analysis used to justify each project and the amount of tax credits utilized and job development fees retained by Approved Companies for each approved project in that year. The Authority shall include any other information requested by the Legislature by a Joint Resolution.

§ 41-10-44.12. Exemption from certain taxes and fees. The income and property of the Authority, all Project Obligations issued by the Authority and the interest paid on any such Project Obligations, all conveyances by or to the Authority, and all instruments by or to the Authority shall be exempt from all taxation in the State. The Authority shall also be exempt from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which the Authority may engage. The Authority shall not be obligated to pay or allow any fees, taxes or costs to the judge of probate of any county in respect of the recording of any document.

§ 41-10-44.13. Freedom of Authority from State supervision and control. Except as may be expressly provided in this Article, no proceeding, notice or approval shall be required for the issuance of any Project Obligations, the execution of any mortgage and deed of trust, trust indenture or other document or the exercise of any other of the powers of the Authority. Neither a public hearing nor the consent of the State Department of Finance shall be prerequisite to the issuance of Project Obligations by the Authority.

§ 41-10-44.14. Earnings of the Authority. The Authority is a nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation."

SECTION 2. Severability Clause. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 3. Repeal of Inconsistent Laws. Any statute, law or regulation of the State which conflicts with, or is inconsistent with, the provisions of this Act, is hereby repealed to the extent necessary to remedy such conflict or inconsistency.

SECTION 4. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Harper was adopted.

Yeas 76; Nays 2.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Buskey, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Drake, Flowers, Freeman, Fuller, Gaston, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Dolbare and Holley.

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RECESS

The hour of 12:00 Noon o'clock having arrived and pursuant to the motion heretofore adopted, the House recessed until 1:30 o'clock p.m.

HOUSE RECONVENED

The hour of 1:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

H. 27 TEMPORARILY CARRIED OVER

On motion of Representative Harper, the bill, H. 27, as amended, was temporarily carried over.

RESOLUTION

The following resolution was introduced:

By Representatives Morton, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 81. COMMENDING THE LEADERSHIP AND STAFF OF THE SOUTHERN LEGISLATIVE CONFERENCE.

WHEREAS, the Southern Legislative Conference held its annual meeting in Mobile, Alabama, from July 10 to July 13, 1993; and

WHEREAS, the State of Alabama served as the Host State for the first time since the formation of the Southern Legislative Conference; and

WHEREAS, the Southern Legislative Conference is the organization of the Legislatures of the Southern States for the interchange of ideas and information of common interest and concern as well as friendship; and

WHEREAS, the co-chairs of this year's conference were Senator Charles Langford and Representative Joe Carothers; and

WHEREAS, many people served as chair of committees and staff for the annual meeting, rendering dedicated and loyal service in the arrangements for this event; and

WHEREAS, the hosting of this conference brought numerous legislators and other persons involved in the legislative process of the Southern States to Alabama which was an excellent occasion for the City of Mobile and the State of Alabama to showcase the beauty and hospitality of our state; and

WHEREAS, the comments of the attendants have shown that this was truly one of the best annual meetings ever; and

WHEREAS, the Legislature desires to express its sincere appreciation to the members of the Legislature, the legislative staff, and others who worked so hard to assure the success of the 1993 Annual Meeting of the Southern Legislative Conference; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body extends sincere thanks and praise to the co-chairs of the 1993 Annual Meeting of the Southern Legislative Conference, the Honorable Charles Langford and the Honorable Joe Carothers, to each member of the Legislature who assisted in any capacity, to the legislative staff, and to the other friends of the Legislature for all of the hard work and efforts which contributed to the very successful 1993 Annual Meeting of the Southern Legislative Conference in Mobile, Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be made available for distribution by the co-chairs of the meeting.

On motion of Representative Morton, the rules were suspended and the resolution, H.J.R. 81, was adopted.

H. 27 AGAIN TAKEN UP

AMENDMENT OFFERED

Representative Freeman offered the following amendment #1 to the bill, H. 27, as amended:

Amend House Bill 27 as substituted on page 11 after line 17 by inserting the following new section 41-10-44.5 and renumbering all subsequent sections accordingly:

"§41-10-44.5. Legislative Oversight of the Authority. The criteria promulgated by the Authority for the selection of Approved Companies shall be subject to prior approval by the Legislative Council. The Legislative Council shall approve or disapprove the general criteria proposed by the Authority within thirty (30) days after the submission of said criteria to the Legislative Council. The Authority shall report quarterly to the Legislative Council on projects approved pursuant to that criteria, the amount of the financing provided to the Approved Company, projected value of tax incentives granted and any other specific information requested by the Legislative Council."

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bryant, Burke, Cagle, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Hall, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turner, Turnham, Walker, Warren, White and Willis.

-73

AMENDMENT OFFERED

Representative Freeman offered the following amendment #2 to the bill, H. 27, as amended:

Amend House Bill 27 as substituted on page 5, line 3 by deleting the word "expanded".

Further amend on page 5, line 1 by deleting the words "whether or".

Further amend on page 3, lines 17 & 18 by deleting the words "or expansion".

AMENDMENT TABLED

On motion of Representative Harper, the amendment #2 offered by Representative Freeman to the bill, H. 27, as amended, was tabled.

Yeas 74; Nays 11.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Box, Bryant, Buskey, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Flowers, Ford, Fuller, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Millican, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-74

Nay:

Representatives Burke, Cagle, Carothers, Dolbare, Freeman, Hall, Holley, Holmes, Knight (J), Morrow and Walker.

-11

AMENDMENT OFFERED

Representative Freeman offered the following amendment #3 to the bill, H. 27, as amended:

Amend House Bill 27 as substituted on page 4 by deleting lines 24 and 25 in their entirety.

Further amend on page 5, line 5 after the word "Enterprise" by inserting the following:

"and the capital cost of which is expected to equal or exceed \$100,000,000".

Further amend on page 20, lines 20, 26 and on page 21, line 2 by deleting the word "Major".

AMENDMENT TABLED

On motion of Representative Harper, the amendment #3 offered by Representative Freeman to the bill, H. 27, as amended, was tabled.

Yeas 83; Nays 7.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Box, Bryant, Burke, Buskey, Carns, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Flowers, Ford, Fuller, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-83

Nay:

Representatives Cagle, Carothers, Dolbare, Freeman, Hall, Holley and Page.

- 7

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Cosby intended to vote "Yea" on passage of the bill, H. 21.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 46. COMMENDING CHARLEY MCCALL OF DOTHAN, ALABAMA, OUTSTANDING HUMANITARIAN.

Also:

H.J.R. 47. COMMENDING THE RACING CITY ALL-STARs LITTLE LEAGUE 1993 CHAMPIONSHIP TEAM.

Also:

H.J.R. 48. COMMENDING TALLEDEGA'S 13-15-YEAR-OLD GIRLS SOFTBALL TEAM AS DISTRICT 4 LITTLE LEAGUE SOFTBALL CHAMPIONS.

Also:

H.J.R. 49. COMMENDING TALLADEGA'S 11-12-YEAR-OLD GIRLS SOFTBALL TEAM ON THEIR DISTRICT 4 LITTLE LEAGUE SOFTBALL CHAMPIONSHIP.

Also:

H.J.R. 50. RECOGNIZING THE ALABAMA FORESTRY ASSOCIATION AND THE ALABAMA FORESTRY COMMUNITY FOR THEIR GENEROUS CONTRIBUTIONS TO "LOG A LOAD FOR KIDS '93."

Also:

H.J.R. 51. RECOGNIZING TROY STATE UNIVERSITY AT DOTHAN ON SIX CONSECUTIVE YEARS OF GROWTH AND PROGRESS.

Also:

H.J.R. 53. COMMENDING PAUL D. STRICKLAND, JR., RECIPIENT OF THE 1993 HOSPITAL TRUSTEE OF THE YEAR AWARD.

Also:

H.J.R. 55. MOURNING THE DEATH OF WILLIAM H. "WAXEY" BASSETT OF MOBILE, ALABAMA.

Also:

H.J.R. 56. COMMENDING MOBILE RESTAURANTEUR, JACK SMITH ON HIS RETIREMENT.

Also:

H.J.R. 68. NAMING CERTAIN ROADS IN ESCAMBIA COUNTY.

Also:

H.J.R. 70. MOURNING THE DEATH OF RICHARD J. KARTZKE OF NEW ORLEANS, LOUISIANA.

Also:

H.J.R. 77. HONORING THE BROWN-GRANT FAMILY ON THEIR ALABAMA REUNION.

Also:

H.J.R. 79. MOURNING THE DEATH OF A. J. BLAKE OF PELL CITY, ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 27 RESUMED

AMENDMENT OFFERED

Representative Cagle offered the following amendment #1 to the bill, H. 27, as amended:

Amend House Bill 27 as substituted on page 2 by deleting lines 8-10 and inserting in lieu thereof the following:
"income tax; to permit the Authority"

Further amend on page 4 by deleting lines 21 through 23 in their entirety.

Further amend on page 17 by deleting lines 20 through 27 in their entirety

Further amend on page 18 by deleting lines 1 and 2 in their entirety.

Further amend on page 18, line 3 by deleting the words "and (2)".

Further amend on page 18 by deleting lines 19 through 27 in their entirety.

Further amend on page 19 by deleting lines 1 through 25 in their entirety.

Further amend on page 19, line 26 by deleting "c" and inserting "(b)" and renumbering all subsequent sections accordingly.

Further amend on page 21, line 27 by deleting the words "either or both of".

Further amend on page 22 by deleting lines 4 through 6 in their entirety and inserting in lieu thereof the following: "such Project. The Authority may also arrange for any gifts, grants,"

Further amend on page 22, line 17 by deleting the words "and Job Development Fees".

Further amend on Page 23, line 3 by deleting the words "(exclusive of Job Development Fees)".

AMENDMENT TABLED

On motion of Representative Harper, the amendment #1 offered by Representative Cagle to the bill, H. 27, as amended, was tabled.

Yeas 68; Nays 21.

Yea:

Representatives Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Burke, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Cullins, Curry, Flowers, Fuller, Gaines, Gaston, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hooper, Kennedy, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-68

Nay:

Representatives Anderson, Black (M), Buskey, Cagle, Crow, Dolbare, Drake, Ford, Freeman, Hall, Hamilton, Haynes, Hogan, Holladay, Holley, Johnson, McDowell, Millican, Morrow, Rogers (F) and Starkey.

-21

AMENDMENT OFFERED

Representative Holley offered the following amendment #1 to the bill, H. 27, as amended:

On page 17, line 26, after the word "wages" insert the following: , exclusive of wages for management,

AMENDMENT TABLED

On motion of Representative Harper, the amendment #1 offered by Representative Holley to the bill, H. 27, as amended, was tabled.

Yeas 68; Nays 13.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Box, Bryant, Burke, Cagle, Carns, Carothers, Carter, Collins, Cullins, Curry, Ford, Fuller, Gaines, Gaston, Gullatt, Hammett, Haney, Harper, Hawkins, Higginbotham, Hill, Hilliard, Hogan, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-68

Nay:

Representatives Black (M), Crow, Dolbare, Freeman, Hall, Hamilton, Haynes, Holley, McDowell, Melton, Mikell, Page and Smith (C).

-13

AMENDMENT OFFERED

Representative Holley offered the following amendment #2 to the bill, H. 27, as amended:

Amend House Bill 27 as substituted on page 28, line 16 after the word "law" by inserting the following language: ; provided, however, there shall be a moratorium on the grant of any future tax incentives under the provisions of this act if the Legislature does not enact a Joint Resolution with recorded vote to continue the provisions of this act by the end of the 1997 Regular Session of the Legislature. The Legislature must enact a Joint Resolution with recorded vote to affirm the tax incentive provisions of this act by the end of the 1999 Regular Session and by the end of the Regular Session every two years thereafter or the tax incentive provisions of this act shall become null and void.

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines,

Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-96

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Anderson intended to vote "Yea" on the adoption of the amendment #2 offered by Representative Holley to the bill, H. 27, as amended.

AMENDMENT OFFERED

Representative Black (L) offered the following amendment to the bill, H. 27, as amended:

Amend House Bill 27 as substituted on page 11, line 5 after the period (.) by adding the following:

"The Authority shall give great weight to projects that will be located in an area of the state where statistics, compiled by the Alabama Department of Industrial Relations, show the unemployment rate in the county where the project will be located is in excess of the state wide average for the past five (5) consecutive years."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A),

Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-92

AMENDMENT OFFERED

Representative Rogers (J) offered the following amendment to the bill, H. 27, as amended:

Amend H. 27 as substituted on Page 11, line 5, after the word "Act" by adding the following language:

"and requirements relating to the employment of previously unemployed or underemployed persons."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams and Willis.

-90

AMENDMENT OFFERED

Representative Cagle offered the following amendment #2 to the bill, H. 27, as amended:

Amend House Bill 27 as substituted on page 18, line 24 by deleting the words "five percent (5%)" and adding in lieu thereof: "the employee's Alabama income tax withholding"

AMENDMENT TABLED

On motion of Representative Harper, the amendment #2 offered by Representative Cagle to the bill, H. 27, as amended, was tabled.

Yeas 57; Nays 29.

Yea:

Mr. Speaker, Beasley, Blakeney, Box, Bryant, Butler, Carns, Carothers, Carter, Clay, Cosby, Crow, Cullins, Flowers, Fuller, Gaines, Gaston, Gullatt, Hammett, Harper, Hawkins, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Lindsey, McClain, McDaniel, McKee, McMillan, Mikell, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Poole, Powell, Richardson, Rogers (J), Sanderford, Sanderson, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-57

Nay:

Representatives Anderson, Biddle, Black (M), Buskey, Cagle, Curry, Dolbare, Drake, Ford, Goodwin, Hall, Hamilton, Harvey, Haynes, Hill, Hogan, Holladay, Holley, Layson, Letson, Melton, Millican, Morrow, Page, Payne, Petelos, Rogers (F), Smith (R) and Starkey.

-29

AMENDMENT OFFERED

Representative Payne offered the following amendment to the bill, H. 27, as amended:

Amend House Bill 27 as substituted on page 18, line 2 after the period (.) by inserting the following:

"In addition, any existing corporation located in the State which has 50 or fewer employees may apply the corporate income tax credit or the Job Development Fees provided in (1) and (2) above to the amount of its debt service payments up to \$50,000 on debt incurred on or before the effective date of this act.

Further amend the bill on page 1, line 11 after the word "projects" by inserting the following: "and to grant certain incentives to existing companies under certain circumstances".

Further amend the bill on page 2, line 11 after the semicolon (;) by inserting the following: "to grant certain incentives to existing corporations in the state under certain circumstances, including credits against the corporate income tax and the collection of certain fees from employees;".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, Williams, Willis and Zoghby.

-91

And the bill:

H. 27. To make legislative findings with respect to the need for additional powers of the State Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and research projects; to establish criteria for the selection of enterprises and projects eligible for financing by the Authority; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to grant certain incentives to companies proposing to construct projects in the State, including credits against the corporate

income tax and the collection of certain fees from employees; to grant to employees from whom such fees have been collected a credit against State income taxes; to permit the Authority to establish tax increment funds out of which Project Obligations may be made payable and to provide for payments into such funds; to grant certain incentives to existing corporations in the state under certain circumstances, including credits against the corporate income tax and the collection of certain fees from employees; to permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to require the Authority to report to the Legislature annually; to confirm that the Authority is exempt from taxation; and to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm or corporation.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 92; Nays 4.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Drake, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-92

Nay:

Representatives Cagle, Dolbare, Holley and McDowell.

- 4

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Flowers and Turnham intended to vote "Yea" on passage of the bill, H. 27, as amended.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Venable offered the motion to reconsider the vote by which the bill, H. 27, as amended, was passed, and the motion to reconsider was adopted.

Yeas 69; Nays 15.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Burke, Buskey, Butler, Cagle, Carothers, Carter, Clark (W), Crow, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Hall, Hamilton, Hammett, Harvey, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Payne, Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Warren, White, Williams and Willis.

-69

Nay:

Representatives Bryant, Carns, Clay, Cullins, Gaines, Gullatt, Haney, Harper, Hawkins, Higginbotham, Laird, Layson, Penry, Turner and Zoghby.

-15

And the bill, H. 27, as amended, was again taken up.

AMENDMENT OFFERED

Representative Hall offered the following amendment to the bill, H. 27, as amended:

To amend H. 27 as substituted on page 11 line 2 by adding after the period the following: Such criteria shall also include the provision that 80% of the jobs created by approved projects shall be awarded to residents of the State of Alabama.

AMENDMENT TABLED

On motion of Representative Harper, the amendment offered by Representative Hall to the bill, H. 27, as amended, was tabled.

Yeas 65; Nays 21.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Burke, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Flowers, Fuller, Gaston, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Holladay, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rogers (F), Sanderford, Smith (C), Smith (R), Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-65

Nay:

Representatives Anderson, Bowling, Butler, Cagle, Clark (W), Dolbare, Drake, Ford, Freeman, Goodwin, Hall, Hill, Hogan, Holley, Holmes, Melton, Millican, Morrow, Rockhold, Sanderson and Turner.

-21

AMENDMENT OFFERED

Representative Parker (P) offered the following amendment #1 to the bill, H. 27, as amended:

On page 18, line 1, insert after the words "per hour," the following language: with an increase each year based on the rate of inflation in the state as determined by the state Department of Labor

AMENDMENT TABLED

On motion of Representative Harper, the amendment #1 offered by Representative Parker (P) to the bill, H. 27, as amended, was tabled.

Yeas 65; Nays 22.

Yea:

Mr. Speaker, Beasley, Biddle, Blakeney, Box, Bryant, Burke, Butler, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Flowers, Freeman, Fuller, Gaston, Gullatt, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Morton, Newton (C), Parker (T), Payne, Penry, Perdue, Poole, Powell, Richardson, Rogers (J), Sanderford, Smith (R), Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-65

Nay:

Representatives Anderson, Black (L), Black (M), Buskey, Cagle, Clark (W), Dolbare, Drake, Ford, Goodwin, Hall, Hamilton, Hogan, Holladay, Holmes, Kennedy, Knight (J), Melton, Morrow, Parker (P), Rogers (F) and Smith (C).

-22

AMENDMENT OFFERED

Representative Parker (P) offered the following amendment #2 to the bill, H. 27, as amended:

On page 17, lines 25 and 26, delete the following language: "company which has not previously had any business operations in Alabama and which"

AMENDMENT TABLED

On motion of Representative Harper, the amendment #2 offered by Representative Parker (P) to the bill, H. 27, as amended, was tabled.

Yeas 71; Nays 11.

Yea:

Mr. Speaker, Beasley, Biddle, Blakeney, Box, Bryant, Burke, Butler, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Morton, Newton (C), Newton (D), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Turnham, Venable, Walker, White, Williams, Willis and Zoghby.

-71

Nay:

Representatives Anderson, Black (M), Cagle, Dolbare, Goodwin, Hall, Hogan, Holmes, Lindsey, Morrow and Rockhold.

-11

AMENDMENT OFFERED

Representative Black (M) offered the following amendment #1 to the bill, H. 27, as amended:

Amend H. 27 on page 17 lines 25 and 26 by striking the following language: "which has not previously had any business operations in Alabama and "

AMENDMENT TABLED

On motion of Representative Harper, the amendment #1 offered by Representative Black (M) to the bill, H. 27, as amended, was tabled.

Yeas 65; Nays 22.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Burke, Buskey, Butler, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Flowers, Ford, Freeman, Gaines, Gaston, Gullatt, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hooper, Knight (A), Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Melton, Morton, Newton (C), Newton (D), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Sanderford, Sanderson, Smith (R), Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-65

Nay:

Representatives Anderson, Black (M), Cagle, Dolbare, Fuller, Goodwin, Hall, Hamilton, Haynes, Hogan, Holladay, Holley, Holmes, Johnson, Knight (J), Lindsey, Mikell, Millican, Morrow, Parker (P), Perdue and Rockhold.

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AMENDMENT OFFERED

Representative Black (M) offered the following amendment #2 to the bill, H. 27, as amended:

Amend H. 27 on page 18 line 2 after the word "withheld." by adding the following: "Such ten dollar per hour average shall not include those employees which are employed in an administrative or management level position which gross salary exceeds \$50,000 per year. The ten dollar per hour average, and the \$50,000 limitation shall be in effect until the end of 1994. Thereafter such

amounts shall be adjusted based upon the percentage increase or decrease in the consumer Price Index for most recently completed calendar year. Such adjustments shall be made upon publication of the consumer Price Index figures by the Department of Commerce for each year.

AMENDMENT TABLED

On motion of Representative Harper, the amendment #2 offered by Representative Black (M) to the bill, H. 27, as amended, was tabled.

Yeas 68; Nays 21.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Burke, Butler, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Flowers, Gaines, Gaston, Gullatt, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morton, Newton (C), Newton (D), Parker (T), Payne, Penry, Perdue, Poole, Powell, Richardson, Sanderford, Sanderson, Smith (R), Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White and Willis.

-68

Nay:

Representatives Anderson, Black (M), Cagle, Dolbare, Drake, Ford, Freeman, Fuller, Goodwin, Hall, Hamilton, Hogan, Holladay, Holley, Lindsey, Melton, Morrow, Parker (P), Petelos, Rockhold and Rogers (F).

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And the bill:

H. 27. To make legislative findings with respect to the need for additional powers of the State Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and research projects; to establish criteria for the selection of enterprises and projects eligible for financing by the Authority; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to grant certain incentives to companies

proposing to construct projects in the State, including credits against the corporate income tax and the collection of certain fees from employees; to grant to employees from whom such fees have been collected a credit against State income taxes; to permit the Authority to establish tax increment funds out of which Project Obligations may be made payable and to provide for payments into such funds; to grant certain incentives to existing corporations in the state under certain circumstances, including credits against the corporate income tax and the collection of certain fees from employees; to permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to require the Authority to report to the Legislature annually; to confirm that the Authority is exempt from taxation; and to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm or corporation.

as amended, was again read a third time at length and passed, and ordered engrossed.

Yeas 97; Nays 5.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-97

Nay:

Representatives Cagle, Dolbare, Hall, Holley and McDowell.

- 5

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Smith (C) intended to vote "Yea" on passage of the bill, H. 27.

And the bill:

H. 83. (With Substitute): To amend Sections 40-16-1, 40-18-15, 40-18-21, 40-18-38, 40-18-71 and 40-18-82 of the Code of Alabama 1975 in order to reflect therein the allowance of personal and corporate income and financial institution excise tax deductions for certain contributions to the State Industrial Development Authority to help induce industrial and research facilities to locate in the State; to reflect therein the allowance of certain corporate income tax credits provided by the Authority to induce industrial and research facilities to locate in the State; and to reflect therein the allowance of certain personal income tax credits to offset the impact upon employees of industrial and research facilities of certain other incentives provided by the Authority to induce such facilities to locate in the State.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 40-16-1, 40-18-15, 40-18-21, 40-18-38, 40-18-71 and 40-18-82 of the Code of Alabama 1975 in order to reflect therein the allowance of personal and corporate income and financial institution excise tax deductions for certain contributions to the State Industrial Development Authority to help induce industrial and research facilities to locate in the State; to reflect therein the allowance of certain corporate income tax credits to induce industrial and research facilities to locate in the State; and to reflect therein the allowance of certain personal income tax credits to offset the impact upon employees of industrial and research facilities of certain other incentives provided to induce such facilities to locate in the State.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. Amendment of Section 40-16-1 of the Code of Alabama 1975. Section 40-16-1 of the Code of Alabama 1975 is hereby amended to read as follows:

"§40-16-1. Definitions.

For the purpose of this chapter, the following terms shall have the respective meanings ascribed to them by this section:

(1) **FINANCIAL INSTITUTION.** Any person, firm, corporation and any legal entity whatsoever doing business in this state as a national banking association,

bank, banking association, trust company, industrial or other loan company or building and loan association, and such term shall likewise include any other institution or person employing moneyed capital coming into competition with the business of national banks, and shall apply to such person or institution regardless of what business form and whether or not incorporated, whether of issue or not, and by whatsoever authority existing. The common parent corporation of a controlled group of corporations eligible to elect to file a consolidated excise tax return, in accordance with section 40-16-3, shall be considered a "financial institution" if such parent corporation is a registered bank holding company as defined by the Bank Holding Company Act of 1956, as amended. As a financial institution, the common parent corporation will be governed by sections 40-16-1 through 40-16-8 and exempt from all income taxes under sections 40-18-1 through 40-18-85, with the exception that the credit for licenses or taxes as provided by section 40-16-8 and the regulations issued or promulgated pursuant thereto by the department of revenue will not apply to amounts of excise tax on financial institutions imposed hereby and paid by such parent corporation. "Financial institution" shall not mean or include individual citizens and fiduciaries acting in a representative capacity for individual citizens, not engaged in a banking, loan, investment or similar business, but merely making personal investments of personal or fiduciary funds in bonds, notes or other evidences of indebtedness and not made in competition with the business of national banks, nor shall such term apply to insurance companies or insurance associations merely making investments of reserves in bonds, notes or other evidences of indebtedness and not made in competition with the business of national banks.

(2) **NET INCOME.** The net income for the taxable year, as in this title defined, arising from the business the privilege to engage in which is hereby taxed, computed by deducting from the gross income arising from such business, without any exclusions from or credit to such gross income, the total amount of the following deductions:

a. All the ordinary and necessary expenses paid or incurred during the year the income is received which is made the basis of the tax in carrying on the business, the privilege to engage in which is hereby taxed, including a reasonable allowance for salaries or other compensation for personal service actually rendered; also all contributions paid by a financial institution as employer to or under a stock bonus, pension, profit-sharing or annuity plan, or if compensation is paid or accrued on account of any employee of any financial institution under the plan deferring the receipt of such compensation, such contributions or compensation shall be deductible, but only to the following extent:

1. In the taxable year when paid, if the contributions are paid into a pension trust and if such taxable year ends within or with a taxable year of the trust for which the trust is exempt under section 40-18-25 in an amount determined as follows: (i) An amount not in excess of five percent of the compensation otherwise paid or accrued during the taxable year to all the employees under the trust, but such amount may be reduced for future years if found by the commissioner of

revenue upon periodical examinations at not less than five year intervals to be more than the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan, plus (ii) any excess over the amount allowable under clause (i) necessary to provide with respect to all of the employees under the trust the remaining unfunded cost of their past and current service credits distributed as a level amount, or a level percentage of compensation, over the remaining future service of each such employee, as determined under regulations prescribed by the commissioner of revenue, but if such remaining unfunded cost with respect to any three individuals is more than 50 percent of such remaining unfunded cost, the amount of such unfunded cost attributable to such individuals shall be distributed over a period of at least five taxable years, or (iii) in lieu of the amounts allowable under (i) and (ii) above, an amount equal to the normal cost of the plan, as determined under regulations prescribed by the commissioner of revenue plus, if past service or other supplementary pension or annuity credits are provided by the plan, an amount not in excess of 10 percent of the cost which would be required to completely fund or purchase such pension or annuity credits as of the date when they are included in the plan, as determined under regulations prescribed by the commissioner of revenue; except, that in no case shall a deduction be allowed for any amount (other than the normal cost) paid in after such pension or annuity credits are completely funded or purchased, (iv) any amount paid in a taxable year in excess of the amount deductible in such year under the foregoing limitations shall be deductible in the succeeding taxable years in order of time to the extent of the difference between the amount paid and deductible in each such succeeding year and the maximum amount deductible for such year in accordance with the foregoing limitations.

2. In the taxable year when paid, in an amount determined in accordance with subparagraph 1 of this paragraph, if the contributions are paid toward the purchase of retirement annuities and such purchase is a part of a plan which meets the requirements of subsection (e) of section 40-18-25, and if refunds of premiums, if any, are applied within the current taxable year or next succeeding taxable year towards the purchase of such retirement annuities.

3. In the taxable year when paid, if the contributions are paid into a stock bonus or profit-sharing trust, and if such taxable year ends within or with a taxable year of the trust with respect to which the trust is exempt under subsection (e) of section 40-18-25, in an amount not in excess of 15 percent of the compensation otherwise paid or accrued during the taxable year to all employees under the stock bonus or profit-sharing plan. If in any taxable year beginning after the approval of this chapter by the governor there is paid into the trust, or a similar trust then in effect, amounts less than the amounts deductible under the preceding sentence, the excess or, if no amount is paid, the amounts deductible shall be carried forward and be deductible when paid in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any such succeeding taxable year shall not exceed 15 percent of the compensation otherwise paid or accrued during such succeeding taxable year to the beneficiaries under the plan.

In addition, any amount paid into the trust in a taxable year beginning after the approval of this chapter by the governor in excess of the amount allowable with respect to such year under the preceding provisions of this subparagraph shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this subparagraph shall not exceed 15 percent of the compensation otherwise paid or accrued during such taxable year to the beneficiaries under the plan. The term "stock bonus or profit-sharing trust," as used in this subparagraph, shall not include any trust designed to provide benefits upon retirement and covering a period of years, if under the plan the amounts to be contributed by the employer can be determined actuarially as provided in subparagraph 1. If the contributions are made to two or more stock bonus or profit-sharing trusts, such trusts shall be considered a single trust for the purposes of applying the limitations of this subparagraph.

4. In the taxable year when paid, if the plan is not one included in subparagraphs 1, 2 or 3, if the employees' rights to or derived from such employer's contribution or such compensation are nonforfeitable at the time the contribution or compensation is paid.

5. For the purposes of subparagraphs 1, 2 and 3, a taxpayer on the accrual basis shall be deemed to have made a payment on the last day of the year of accrual if the payment is on account of such taxable year and is made within 60 days after the close of the taxable year of accrual.

6. If amounts are deductible under subparagraphs 1 and 3, or 2 and 3, or 1, 2 and 3, in connection with the two or more trusts, or one or more trusts and an annuity plan, the total amount deductible in a taxable year under such trusts and plans shall not exceed 25 percent of the compensation otherwise paid or accrued during the taxable year to the persons who are the beneficiaries of the trusts or plans. In addition, any amount paid into such trust or under such annuity plans in any taxable year in excess of the amount allowable with respect to such year under the preceding provisions of this subparagraph shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year, together with the amount allowable under the first sentence of this subparagraph, shall not exceed 30 percent of the compensation otherwise paid or accrued during such taxable years to the beneficiaries under the trusts or plans. This subparagraph shall not have the effect of reducing the amount otherwise deductible under subparagraphs 1, 2 and 3, if no employee is a beneficiary under more than one trust, or a trust and an annuity plan. If there is no plan but a method of employer contributions or compensation has the effect of a stock bonus, pension, profit-sharing, or annuity plan, or similar plan deferring the receipt of compensation, this paragraph shall apply as if there were such a plan. Also, all contributions or gifts made by financial institutions to a community chest or to recognized religious, charitable, scientific or educational institutions or agencies, or to institutions or agencies for the prevention of cruelty to children or animals, which are not operated for profit and

no part of the net earnings of which inures to the benefit of any private stockholder or individual or contributions or gifts for vocational rehabilitation authorized by the United States Vocational Rehabilitation Act. The amount of such deduction shall not be, however, in excess of five percent of the financial institution's net income as computed without the benefit of this subsection. Such contributions or gifts shall be allowable as deductions only where made to a community chest or institution or agency recognized as such for the above purposes under rules and regulations prescribed by the department of revenue. Traveling expenses, including a reasonable amount expended for meals and lodgings while away from home in the necessary business of such institutions; rentals or other payments required to be made as the condition to the continued use or possession for the purposes of such business, or property to which the taxpayer has not taken or is not taking title or in which the taxpayer has no equity, provided the amount and the reasonableness of all such expenditures shall be approved by the state department of revenue.

b. All interest paid or accrued within the taxable year on the indebtedness of said business. Also, all dividends paid or accrued within the taxable year on the shares of preferred stock held or owned by a reconstruction finance corporation or any other governmental agency;

c. Taxes actually paid within the year in which the income on which the tax is based was received, except the excise tax imposed by this chapter and taxes assessed against local benefits of a kind tending to increase the value of the property assessed;

d. Losses sustained and determined during the taxable year by the business and not compensated for by insurance or otherwise:

1. The basis for determining the amount of any loss or gain shall be the cost to the financial institution of the asset disposed of less the actual depreciation sustained on physical asset and any reduction charged as an expense upon stocks, bonds or other securities in previous years.

2. No loss shall be allowable unless the property is actually disposed of and the loss thereby determined or an appraisal of the loss is made and allowed under the supervision of the department of revenue, except as hereinafter provided.

e. Debts ascertained to be worthless and charged off within the taxable year; provided, that a schedule of such debts shall be filed and the reasons supporting such claim for deduction be filed with the return; provided, further, that bad debts shall not include losses on stocks and bonds or a reduction in the market value of such stocks and bonds except where loss is determined by the sale of such securities; provided, that in the case of any financial institution required by law to be examined by state, federal or federal reserve bank examiners, such debts can be charged off and to such an amount or extent as required to be charged off by state, federal or federal reserve bank examiners.

Any reduction in the book value of any stocks or bonds carried on the books of any such financial institution required by any state, federal or federal reserve bank examiners shall be allowed as proper deductions by the state department of revenue. On the sale of any securities, the book value of which has been reduced on the requirement of such examiners, and the reduction so made claimed as a deduction, accomplishing a reduction of the tax paid, any excess of the sale price over said book value of such securities shall be reflected as income and subject to the excise tax levied by this chapter. When in the opinion of state, federal or federal reserve bank examiners a debt is recoverable only in part and when a part of such debt is charged off by requirement of state, federal or federal reserve bank examiners, the department of revenue shall allow a deduction in an amount equal to the amount of such charge-off;

f. A reasonable allowance for the exhaustion, wear and tear of property used in the business, including a reasonable allowance for obsolescence. The basis for determining the amount of such depreciation deduction shall be the cost of such property, or, if acquired prior to October 15, 1935, the basis shall be the depreciated cost as of October 1, 1935;

g. The amount received as dividends from a corporation organized and existing under the laws of the state of Alabama and the amount received as dividends in liquidation paid from capital;

h. In the discretion of the department of revenue, in lieu of such deductions for losses or bad debts, a reasonable addition to reserves therefor and for extraordinary expenses;

i. In the case of savings and loan associations the amount paid out as dividends on the withdrawable shares thereof;

j. In computing the net income of credit unions for the purpose of the excise tax levied by this chapter, there shall, in addition to all other deductions allowed by law, be deducted the amount paid out as dividends on the withdrawable shares of such credit union; and

k. All financial institutions shall be allowed to carry back their net operating losses to apply as a deduction against prior income, and to deduct from succeeding years' income the excess loss, if any, that is not absorbed thereby. For purposes of this subdivision, the term "net operating loss" means the excess of allowable deductions over gross income. No net operating loss deduction (arising out of a net loss in an earlier or later year) shall be allowed in computing a net operating loss. Casualty losses and losses arising from theft, fraud and embezzlement, however, shall be deductible in computing the net operating loss. A net operating loss for a taxable year ending after the year 1952 may be carried back two years, then forward to the eight succeeding taxable years in chronological order; provided, that no part of the net operating loss which has been previously applied against income for one taxable year may be applied as a

carryback or carryover to another taxable year. The net operating loss deduction allowed herein shall be the sum of the carrybacks and carryovers applicable to the taxable years. A successor financial institution shall be allowed to carry over and deduct from succeeding years' income, in the manner prescribed herein, the net operating loss of its predecessor. Refunds under the provisions of this subdivision shall be paid from the current year's receipts.

m. The amount of any aid or assistance, whether in the form of property, services or monies, provided to the State Industrial Development Authority pursuant to Section 41-10-44.7(d) in order to induce an Approved Company to undertake a Major Project within the State.

(3) **TAXABLE YEAR.** A full period of 12 consecutive months constituting the fiscal year or calendar year of each financial institution ended last prior to April 1, 1935, and thereafter ended last prior to April 1 of each year in which such tax is to be assessed. In the case of any business hereby taxed conducted only during a fractional period of any year, a return shall be made as herein provided and the tax computed as herein provided, and such tax as assessed shall be an excise for the privilege of doing business in this state for such fractional year.

(4) **STATE TAX YEAR.** The calendar year."

SECTION 2. Amendment of Section 40-18-15 of the Code of Alabama 1975. Section 40-18-15 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-18-15. Deductions for individuals generally.

(a) In computing net income, no deduction shall be allowed for any cost required to be capitalized in accordance with 26 U.S.C. § 263A; otherwise, there shall be allowed as deductions:

(1) All ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered and including rentals and other payments required to be made as a condition of the continued use or possession for the purpose of trade or business of property to which the taxpayer has not taken or is not taking title or in which he has no equity;

(2) Certain interest paid or accrued within the taxable year on indebtedness, but, in the case of a nonresident, the proportion of such interest which the amount of gross income from sources within the state of Alabama bears to the amount of gross income from all sources within and without the state of Alabama. Beginning with all tax years or periods beginning after December 31, 1987, the interest deductions allowed in each of such tax years or periods shall be limited to the amount allowable as an interest deduction for federal income tax purposes in the corresponding tax year or period pursuant to the provisions of 26 U.S.C. § 163.

(3) The following taxes paid or accrued within the taxable year:

a. Income taxes, Federal Insurance Contribution Act taxes, taxes on self-employment income and estate and gift taxes imposed by authority of the United States or any possession of the United States; provided, that the amount of such taxes apportioned by a nonresident taxpayer shall be determined by the ratio that the amount of adjusted gross income received from sources within the state of Alabama bears to the amount of adjusted gross income received from sources within and without the state of Alabama.

b. State and local, and foreign, occupational license taxes and contributions to state unemployment funds.

c. State and local, and foreign, real property taxes.

d. State and local personal property taxes.

e. The generation-skipping transfer (GST) tax imposed on income distributions by 26 U.S.C. § 2601.

f. The taxes described in paragraphs c, d, and e shall be deductible only to the extent that such taxes are deductible for federal income tax purposes under 26 U.S.C. § 164 (relating to taxes) and in the case of nonresidents, these taxes shall be apportioned to Alabama by the ratio that the amount of adjusted gross income received from sources within the state of Alabama bears to the amount of adjusted gross income received from sources within and without the state of Alabama.

g. In addition, there shall be allowed as a deduction, state and local, and foreign taxes, except income taxes, and taxes imposed by authority of the United States or any possession of the United States, which are paid or accrued within the taxable year in carrying on a trade or business or an activity described in 26 U.S.C. § 212 (relating to expenses for the production of income).

h. Notwithstanding paragraph g, any tax described in any paragraph preceding paragraph g that is paid or accrued in connection with an acquisition or disposition of property shall be treated as part of the cost of the acquired property or, in the case of a disposition, as a reduction in the amount realized on the disposition of such property.

(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise if incurred in trade or business;

(5) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in any transaction entered into for profit, though not connected with the trade or business; but, in the case of a taxpayer other than a resident of the state, only as to such transactions within the state;

(6) Casualty and theft losses sustained during the taxable year of property not connected with the conduct of a trade or business or a transaction entered into for profit as determined in accordance with subsections (c) (3) and (h) of 26 U.S.C. § 165. In the case of a nonresident, the deduction shall be allowed only for the losses arising from property located within the state of Alabama and the limitations in 26 U.S.C. § 165 shall be applied with regard only to the taxpayer's Alabama adjusted gross income. No loss shall be allowed if at the time of filing the return, such loss has been claimed on a federal estate tax return;

(7) Losses from debts ascertained to be worthless and charged off during the taxable year of such ascertainment, if sustained in the conduct of the regular trade or business of the taxpayer during the period covered by an Alabama income tax law;

(8) A reasonable allowance for the exhaustion, wear and tear of property from which any income is derived including a reasonable allowance for obsolescence;

(9) In the case of mines, oil, and gas wells, other natural deposits and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar condition in each case based upon the cost, including the cost of development not otherwise deducted, such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the department of revenue; and, in the case of leasehold interests, the deduction allowed by this section shall be equitably proportioned between the lessor and the lessee;

(10) Charitable contributions to the extent allowed for federal income tax purposes under 26 U.S.C. § 170 (relating to charitable contributions and gifts). In the case of a nonresident individual, this deduction shall be limited to the amount determined by multiplying the amount described in the previous sentence by a fraction, the numerator of which is the taxpayer's adjusted gross income from all sources within the state of Alabama and the denominator is the taxpayer's adjusted gross income from all sources;

(11) In the case of a resident individual, the deduction allowed such individual for federal income tax purposes by 26 U.S.C. §219 (relating to retirement savings);

(12) The deduction allowed for federal income tax purposes by 26 U.S.C. §404 (relating to qualified pension, profit sharing, stock bonus, and annuity plans); provided, however, that contributions to such plans on behalf of individuals who are employees within the meaning of 26 U.S.C. § 401(c)(1) (relating to self-employed individuals) shall be deductible only if such individuals are residents;

(13) For each individual income taxpayer, medical and dental expenses, including amounts paid for medicine and drugs and amounts paid for accident and

health insurance, as determined in accordance with 26 U.S.C. § 213; provided, however, that the limitation of the deduction to the excess of such expenses over 7.5 percent of adjusted gross income as provided in said 26 U.S.C. § 213 shall instead be limited to the excess of such expenses over 4.0 percent of adjusted gross income;

(14) For each individual income taxpayer, the deduction determined in accordance with 26 U.S.C. § 212 for all the ordinary and necessary expenses paid or incurred during the taxable year for the production or collection of income, or for the management, conservation, or maintenance of property held for the production of income, or in connection with the determination, collection, or refund of any tax;

(15) Any expense not exceeding \$1,000.00 actually incurred during the taxable year in constructing on his property a family radioactive fallout shelter, as approved and certified by the state department of civil defense, and any amount not exceeding \$1,000.00 which he contributed during the taxable year toward the construction of a community radioactive fallout shelter; and

(16) a. An amount equal to the aggregate of the net operating loss carryovers to the taxable year, plus the net operating loss carrybacks to such year. For purposes of this subdivision, the term "net operating loss deduction" means the deduction allowed by this paragraph.

b. A net operating loss for any taxable year ending after December 31, 1976, and before January 1, 1985, shall be a net operating loss carryover to each of the five taxable years following the taxable year of such loss. A net operating loss for any taxable year ending after December 31, 1984, shall be a net operating loss carryover to each of the 15 years following the taxable year of such loss.

c. The entire amount of the net operating loss for any taxable year (hereinafter referred to as the "loss year") shall be carried to the earliest of the taxable years to which, by reason of paragraph b, such loss may be carried. The portion of such loss which shall be carried to each of the other taxable years shall be the excess, if any, of the amount of such loss over the sum of the taxable income for each of the prior taxable years to which such loss may be carried. For purposes of the preceding sentence, the taxable income for any such prior taxable year shall be computed:

1. With the modifications specified in paragraph f other than subparagraphs 1 and 3 thereof; and

2. By determining the amount of the net operating loss deduction without regard to the net operating loss for the loss year or for any taxable year thereafter, and the taxable income so computed shall not be considered to be less than zero.

d. Any taxpayer entitled to a carryback period under paragraph b may elect to relinquish the entire carryback period. Such election shall be made in such a manner as may be prescribed by the department of revenue, and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss for which the election is to be in effect. Such election, once made for any taxable year, shall be irrevocable for that taxable year.

e. For purposes of this subdivision, the term "net operating loss" means the excess of the deductions allowed by this chapter over the gross income. Such excess shall be computed with the modifications specified in paragraph f of this subdivision.

f. The modifications referred to in this subdivision are as follows:

1. No net operating loss deduction shall be allowed.

2. No deduction shall be allowed under sections 40-18-19(a)(8) and (9), and 40-18-19(b) (relating to personal exemptions and credit for dependents). No deductions in lieu of any such deduction shall be allowed.

3. The deductions allowable by this chapter which are not attributable to a taxpayer's trade or business, including the federal individual income tax deduction, shall be allowed only to the extent of the amount of the gross income not derived from such trade or business. For purposes of the preceding sentence:

(i) Any gain or loss from the sale or other disposition of property used in the trade or business of a character which is subject to the allowance for depreciation provided in subdivisions (8) and (9) of subsection (a), or real property used in the trade or business shall be treated as attributable to the trade or business;

(ii) The modifications specified in subparagraphs 1 and 3 shall be taken into account;

(iii) Any deduction allowable under section 40-18-15(a)(6) (relating to casualty losses) shall not be taken into account; and

(iv) Any deduction allowed under section 40-18-15(a)(12) to the extent attributable to contributions which are made on behalf of an individual who is an employee within the meaning of said 26 U.S.C. § 401(c)(1) (relating to self-employed individuals) shall not be treated as attributable to the trade or business of such individual.

4. The optional standard deduction allowed under section 40-18-15(b)(1) shall be treated as a deduction allowed by this chapter. For purposes of paragraph e:

(i) The deduction provided by the preceding sentence shall be in lieu of any itemized deductions of the taxpayer, and

(ii) Such sentence shall not apply to an individual who elects to itemize deductions.

g. In determining the amount of any net operating loss carryback or carryover to any taxable year, the necessary computations involving any other taxable year shall be made under the law applicable to such other taxable year.

(17) There shall be allowed resident taxpayers a deduction from the taxpayer's adjusted gross income for state income tax purposes of the total cost of installation for conversion from gas or electricity to wood as the primary energy source for heating their individual domestic homes for the taxable year during which such conversion was completed.

(18) For individual resident taxpayers, alimony and separate maintenance payments, the amount deductible to be the same as the amount deductible for federal income tax purposes under 26 U.S.C. § 215 (relating to alimony payments).

(19) Moving expenses paid or incurred during the taxable year to the same extent that such expenses are deductible, except as provided herein, for federal income tax purposes under 26 U.S.C. § 217 (relating to moving expenses). The term "new principal place of work," as such term is made relevant hereto by the federal statute, means and includes only places of work located within the state of Alabama, and the deduction for moving expenses provided for herein shall be allowable only in the event that such "new principal place of work" is located within the state of Alabama.

(20) Any expense not exceeding \$35,000 actually incurred during the taxable year in removing from his property any architectural or transportation barriers to handicapped persons with nonambulatory and semiambulatory disabilities; provided, however, that any improvements resulting from such expense shall not be eligible to be capitalized for depreciation.

(21) Notwithstanding subdivision (1), beginning with all tax years or periods beginning after December 31, 1987, the deduction for expenses of travel, entertainment, and meals shall be determined in accordance with 26 U.S.C. § 274.

(22) The deduction allowed by 26 U.S.C. § 179 (relating to expensing certain depreciable property), provided that no deduction shall be allowed under subdivision (8) for any amount allowed as a deduction under this subdivision.

(23) The deduction allowed by 26 U.S.C. § 195 (relating to amortization of start-up expenditures), but in the case of a nonresident, only if the principal place

of business of the business investigated, created, or acquired is located in the state of Alabama.

(24) The deduction allowed by subdivision (1), to the extent that it consists of unreimbursed employee business expenses, and the deduction allowed by subdivision (14), shall be allowed only to the extent that the aggregate of such deductions exceeds 2 percent of adjusted gross income.

(25) For resident individual taxpayers, the reasonable medical and legal expenses paid or incurred by the taxpayer in connection with the adoption of a minor. For purposes of this subdivision, "medical expenses" shall include any medical and hospital expenses of the adoptee and the adoptee's biological mother which are incident to the adoptee's birth and subsequent medical care and which, in the case of the adoptee, are paid or incurred before the petition is granted.

(26) The amount of any aid or assistance, whether in the form of property, services or monies, provided to the State Industrial Development Authority pursuant to section 41-10-44.7(d) in order to induce an Approved Company to undertake a Major Project within the State.

(b) (1) In lieu of the deductions allowable to individual taxpayers, as provided in subdivision (1) to the extent of unreimbursed employee business expenses, and as provided in subdivisions (2), (3), (5), (6), (10), (13), (14), (17), and (19) of subsection (a) of this section, for the taxable years beginning on and after January 1, 1982, at the election of the taxpayer required to use the rate schedule in subdivision (1) of section 40-18-5, an optional standard deduction may be taken not to exceed 20 percent of the adjusted gross income or \$2,000.00, whichever is the lesser, and at the election of the taxpayer required to use the rate schedule in subdivision (2) of section 40-18-5, an optional standard deduction may be taken not to exceed 20 percent of the adjusted gross income or \$4,000.00, whichever is the lesser and, in addition to said deduction, a deduction for the amount of federal income tax paid or accrued within the taxable year; provided, that in the case of a nonresident taxpayer the deduction for the optional standard deduction shall be an amount equal to the optional standard deduction that would be allowable if the taxpayer were a resident taxpayer, multiplied by the ratio that the amount of adjusted gross income received from sources within the state of Alabama bears to the amount of adjusted gross income received from sources within and without the state of Alabama; and the amount of federal income tax so deductible to Alabama shall be determined by the ratio that the amount of adjusted gross income received from sources within the state of Alabama bears to the amount of adjusted gross income received from sources within and without the state of Alabama.

(2) If separate returns are filed by husband and wife and one spouse elects to claim the deduction allowed herein, the election to claim such deduction will be denied unless the other spouse also elects to claim the deduction allowed herein.

(c) The term "adjusted gross income," as used in this section, shall mean the gross income as defined by section 40-18-14, less:

(1) The deductions allowed in this section which are attributable to a trade or business carried on by the taxpayer if such trade or business does not consist of the performance of services by the taxpayer as an employee;

(2) Travel expenses while away from home in the pursuit of a trade or business if such trade or business does not consist of the performance of by the taxpayer as an employee;

(3) The deductions allowed by this section which consist of expenses paid or incurred by the taxpayer in connection with the performance by him of services as an employee, to the extent reimbursed by his employer;

(4) The deductions, other than those provided in subdivisions (1), (5) and (6) of subsection (a) allowed by this section and which are attributable to property held for the production of rents or royalties;

(5) The deductions, other than those provided in subdivision (1) of this subsection, for depreciation and depletion, allowed by subdivisions (8) and (9) of subsection (a) of this section to a life tenant of property or to an income beneficiary of property held in trust;

(6) The deduction, other than those provided in subdivision (1) of this subsection, allowed by section 40-18-8 as losses from the sale or exchange of property; and

(7) The deduction allowed by subdivision (25) of subsection (a) of this section (relating to adoption expenses).

(d) In the case of a nonresident individual, the deductions allowed in (8), (9) and (17) of subsection (a) of this section to the extent that they are connected with income in the state of Alabama, and a proper apportionment with respect to sources of income within Alabama shall be determined under rules and regulations prescribed by the department of revenue."

SECTION 3. Amendment of Section 40-18-21 of the Code of Alabama 1975. Section 40-18-21 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-18-21. Credits for taxes paid on income from sources without the state and for job development fees.

(a)(1) For the purpose of ascertaining the income tax due under the provisions of this chapter by residents of Alabama whose gross income, as defined herein, is derived from sources both within and without the state of

Alabama, there shall be allowed a credit against the amount of tax found to be due by such resident, on account of income derived from without the state of Alabama, the amount of income tax actually paid by such resident to any state or territory on account of business transacted or property held without the state of Alabama.

(b) (2) In case the amount of tax actually paid by a resident of Alabama to another state or territory is in excess of the amount that would be due on the same income computed on the income tax rate in Alabama, then only such amount as would be due in this state on such taxable income shall be allowed as a credit.

(e) (3) If the amount of income tax actually paid by a resident of this state to any other state or territory on account of business transacted or property held, is less than the amount of tax that would be due, as computed on Alabama income tax rates, then the income tax levied herein shall be computed on the entire taxable income from sources from both within and without the state as defined herein, and the tax shall be paid less the credit allowed in this section for tax paid on income derived from without the state.

(d) (4) Before a resident of Alabama may claim the credit allowed under this subsection (a), he shall file with his tax return a certificate showing amount of gross and net income derived from sources without this state together with the amount of tax paid or to be paid on such income.

(e) (5) The words "residents of Alabama," as used in this subsection (a), shall include corporations organized and existing under the laws of the state of Alabama.

(b) Any taxpayer described in section 40-18-2(1) or section 40-18-2(6), who, during any year, has been assessed a Job Development Fee as described in section 41-10-44.7(b), shall be allowed a credit against the amount of income tax due under the provisions of this chapter in such year in an amount equal to the Job Development Fee withheld from the taxpayer's wages during the year."

SECTION 4. Amendment of Section 40-18-38 of the Code of Alabama 1975. Section 40-18-38 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-18-38. Additional deductions allowed for corporations; credits.

(a) For the purpose only of the tax imposed by section 40-18-31, there shall be allowed the following deductions:

(1) The amount received as interest upon obligations of the United States and bonds issued by the war finance corporation, which is included in gross income under section 40-18-34; and

(2) Amounts received as dividends from national banks or national banking associations or from corporations engaged in the business of banking and of conducting a financial business employing moneyed capital coming into competition with the business of national banks only during and for the periods during which such national banks, corporations, individuals and partnerships are subject to an excise tax imposed by this state or with respect to such income and dividends paid by any such corporation out of income subject to such excise tax.

(3) The amount of any aid or assistance, whether in the form of property, services or monies, provided to the State Industrial Development Authority pursuant to section 41-10-44.7(d) in order to induce an Approved Company to undertake a Major Project within the State.

(b) For the purpose only of the tax imposed by section 40-18-31, there shall be allowed the following credits:

(1) the amount provided to an Approved Company pursuant to section 41-10-44.7(a)(1), subject however, to the limitations contained in section 41-10-44.7(c); and

(2) the amount provided in section 41-10-44.8 to an Approved Company for a payment by such Company into a Tax Increment Fund."

SECTION 5. Amendment of Section 40-18-71 of the Code of Alabama of 1975. Section 40-18-71 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-18-71. Withholding tax.

(a) Every employer, as defined under the laws of the United States in effect July 1, 1982, or as subsequently may be defined, with respect to income tax collected at source, making payment of wages as defined under such laws to employees, shall deduct and withhold upon such wages, reduced by the optional standard deduction provided in subsection (b) of section 40-18-15 and the federal income tax withheld, a tax equal to two percent of the first \$500.00 or less, four percent of the next \$2,500.00 or less, five percent of the excess over \$3,000.00, by which the amount of such wages paid or to be paid in the calendar year by such employer to such employee, exceeds the amount of the exemptions granted to such employee under section 40-18-19 as claimed on a certificate to be filed with the employer in such form and containing such information and detail as may be prescribed by the commissioner, pursuant to the provisions of section 40-18-73; provided, however, that in determining the amount to be deducted and withheld under this subsection (a), an employer shall allow as a credit against such amount the Job Development Fee described in section 41-10-44.7(b).

(b) At the election of the employer with respect to such employee, the employer may deduct and withhold upon the wages paid to such employee a tax

determined on the basis of tables to be prepared and furnished by the commissioner, which tax shall be substantially equivalent to the tax provided in subsection (a) of this section and which shall be in lieu of the tax required in such subsection.

(c) In determining the amount to be deducted and withheld under this section, the wages may, at the election of the employer, be computed to the nearest dollar.

(d) The department may, by regulations, authorize employers:

(1) To estimate the wages which will be paid to any employee in any quarter of the calendar year;

(2) To determine the amount to be deducted and withheld upon each payment of wages to such employee during such quarter as if the appropriate average of the wages so estimated constituted the actual wages paid; and

(3) To deduct and withhold upon any payment of wages to such employee during such quarter such amount as may be necessary to adjust the amount actually deducted and withheld upon the wages of such employee during such quarter to the amount that would be required to be deducted and withheld during such quarter if the payroll period of the employee was quarterly.

(e) The department is authorized to provide by regulation, under such conditions and to such extent as it deems proper, for withholding in addition to that otherwise required under this section and in cases in which the employer and the employee agree to such additional withholding. Such additional withholding shall, for all purposes, be considered the tax required to be deducted and withheld under this chapter."

SECTION 6. Amendment of Section 40-18-82 of the Code of Alabama 1975. Section 40-18-82 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-18-82. Declaration of estimated tax.

(a) Every individual and corporation shall, at the time prescribed in subsection (c) of this section, make a declaration of his estimated tax for the taxable year if his net income from sources other than wages, in the case of a single person or married persons filing separate returns, can reasonably be expected to exceed \$1,500.00 for the taxable year; and in the case of married persons living with husband or wife and filing a joint return, ~~where~~ if net income can be reasonably expected to exceed \$3,000.00; and in the case of corporations, ~~where~~ if Alabama income tax liability can reasonably be expected to exceed \$5,000.00.

(b) In the declaration required under subsection (a), the taxpayer shall state:

(1) The amount which he estimates as the amount of tax under section 40-18-5 for the taxable year; or in the case of a corporation the amount of tax estimated as the amount of tax due under section 40-18-31;

(2) The amount which ~~he~~ an individual taxpayer estimates as the credits for the taxable year under section 40-18-21(b) or section 40-18-71, or the amount which a corporate taxpayer estimates as the credits for the taxable year under section 40-18-38(b);

(3) The excess of the amount estimated under subdivision (1) over the amount estimated under subdivision (2), which excess, for the purposes of this chapter, shall be considered the estimated tax for the taxable year; and

(4) Such other information as may be prescribed in regulations promulgated by the department.

(c) The declaration required under subsection (a) of this section shall be filed with the department on or before April 15 of the taxable year; except, that if the requirements of subsection (a) of this section are first met:

(1) After April 1 and before June 2 of the taxable year, the declaration shall be filed on or before June 15 of the taxable year;

(2) After June 1 and before September 2 of the taxable year, the declaration shall be filed on or before September 15 of the taxable year; or

(3) After September 1 of the taxable year, the declaration shall be filed on or before January 15 of the succeeding taxable year; or in the case of corporations on or before December 15 of the taxable year.

(d) A taxpayer may make amendments of a declaration filed during the taxable year under subsection (c) of this section, under regulations prescribed by the department.

(e) If, on or before January 15 of the succeeding taxable year, an individual taxpayer files a return for the taxable year for which the declaration is required and pays in full the amount computed on the return as payable then, under regulations prescribed by the department:

(1) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before such January 15, such return shall, for the purposes of this section, be considered as such declaration; and

(2) If the tax shown on the return, reduced by the credits under section 40-18-78, is greater than the estimated tax shown in a declaration previously made or, in the last amendment thereof, such return shall, for the purposes of this section, be considered as the amendment of the declaration permitted by subsection (d) of this section to be filed on or before January 15.

(f) The department shall promulgate regulations governing reasonable extensions of time for filing declarations and paying the estimated tax. Except in the case of taxpayers who are abroad, no such extension shall be for more than six months.

(g) If the taxpayer is unable to make his own declaration, the declaration shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer."

SECTION 7. Severability Clause. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 8. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; provided, however, that notwithstanding the foregoing, this Act shall not become effective until such time as that certain Act which was introduced as House Bill 27 in the 1993 First Special Session of the Legislature becomes law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 82; Nays 1.

Yea:

Representatives Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Burke, Buskey, Butler, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Harper, Hawkins, Haynes, Higginbotham, Hill, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

Nay:

Representative Parker (P).

- 1

AMENDMENT OFFERED

Representative Holladay offered the following amendment to the bill, H. 83, as amended:

Amend H. 83 on page 33 line 4 after the word "year." by adding the following: "In the event that the Job Development Fee is greater than the taxpayer's income tax due, the difference shall be refunded to such taxpayer."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 3.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey, Cagle, Carns, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, Letson, Lindsey, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turner, Turnham, Walker, Warren, Williams, Willis and Zoghby.

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Nay:

Representatives Freeman, Holley and Laird.

- 3

And the bill:

H. 83. To amend Sections 40-16-1, 40-18-15, 40-18-21, 40-18-38, 40-18-71 and 40-18-82 of the Code of Alabama 1975 in order to reflect therein the

allowance of personal and corporate income and financial institution excise tax deductions for certain contributions to the State Industrial Development Authority to help induce industrial and research facilities to locate in the State; to reflect therein the allowance of certain corporate income tax credits to induce industrial and research facilities to locate in the State; and to reflect therein the allowance of certain personal income tax credits to offset the impact upon employees of industrial and research facilities of certain other incentives provided to induce such facilities to locate in the State.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 93; Nays 4.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

-93

Nay:

Representatives Dolbare, Hall, Harvey and Holley.

- 4

And the bill:

H. 28. Relating to insurance premium tax; to amend Act 93-679, H. 845, 1993 Regular Session, to provide a new classification of insurance entitled "medical liability insurance" and to establish a rate of premium tax applicable to such insurance.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Flowers abstained from voting on the bill, H. 28, due to a possible conflict of interest.

And the bill:

H. 35. (With Substitute) (With Amendment): To amend the General Fund appropriation bill, Act 93-771 of the 1993 Regular Session which makes appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994, in the following manner: (1) to provide for a supplemental appropriation to the Alabama Department of Economic and Community Affairs; (2) to provide for a supplemental appropriation to the Forestry Commission from the Alabama Forestry Commission Fund; (3) to transfer funds between programs under the Farmers' Market Authority; (4) to provide for a supplemental appropriation to the Historic Blakeley Authority; (5) to provide for a supplemental appropriation to the Legislative Fiscal Office; (6) to provide for a supplemental appropriation to the Alabama Public Service Commission from the Public Service Commission Fund; (7) to provide for a supplemental appropriation to the State Auditor; and (8) to provide for an appropriation to the Home Builders Licensure Board.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

To amend the General Fund appropriation bill, Act 93-771 of the 1993 Regular Session which makes appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994, in the following manner: (1) to provide for a supplemental appropriation to the Alabama Department of Economic and Community Affairs; (2) to provide for a supplemental appropriation to the Alabama Forestry Commission from the Alabama Forestry Commission Fund; (3) to transfer funds between programs under the Farmers' Market Authority; (4) to provide for a supplemental appropriation to the Historic Blakeley Authority; (5) to provide for a supplemental appropriation to the Legislative Fiscal Office; (6) to provide for a supplemental appropriation to the Alabama Public Service Commission from the Public Service Commission Fund; (7) to provide for a supplemental appropriation to the State Auditor; (8) to provide for a supplemental appropriation to the Alabama Development Office; (9) to provide for a supplemental appropriation to the District Attorneys; and (10) to provide for an appropriation to the Home Builders Licensure Board.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Harper offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 35, and to the pending committee amendment:

**A BILL
TO BE ENTITLED
AN ACT**

To amend the General Fund appropriation bill, Act 93-771 of the 1993 Regular Session which makes appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994, in the following manner: (1) to provide for a supplemental appropriation to the Alabama Department of Economic and Community Affairs; (2) to amend language and to provide for a supplemental appropriation to the Alabama Forestry Commission from the Alabama Forestry Commission Fund; (3) to transfer funds between programs under the Farmers' Market Authority; (4) to provide for a supplemental appropriation to the Historic Blakeley Authority; (5) to provide for a supplemental appropriation to the Legislative Fiscal Office; (6) to provide for a supplemental appropriation to the Alabama Public Service Commission from the Public Service Commission Fund; (7) to provide for a supplemental appropriation to the State Auditor; (8) to provide for a supplemental appropriation to the Alabama Development Office; (9) to provide for a supplemental appropriation to the District Attorneys; (10) to provide for a supplemental appropriation to the Department of Corrections from the Department of Corrections Special Revenue Fund; and (11) to provide for an appropriation to the Home Builders Licensure Board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 2C. 39. of Act 93-771 of the 1993 Regular Session is hereby amended to read as follows:

**"39. ECONOMIC AND COMMUNITY
A F F A I R S , A L A B A M A
DEPARTMENT OF:**

(a) Administrative Support Program..... 6,880,833

(b) Planning Program..... ~~35,815,102~~
36,480,102

Of the above appropriation, at least \$600,000 shall be spent for the Regional Planning Commissions; \$10,000 for the town of Mooresville; \$48,400 for the Alabama Council of Economic Education; \$100,000 for the East Alabama Economic Development Council; and \$50,000 shall be spent for the Alabama Commission on Aerospace Science and Industry created by SJR 119 in the 1991 Regular Session.

(c) Special Services Program..... 23,494,905

Of the above appropriation, \$77,440 shall be allocated to the Food Assistance Program through the Community Action Agencies of Montgomery and Elmore Counties; and at least \$842,160 shall be distributed to community action administering agencies based on their populations below the poverty level, provided however, that not more than 10% of each agency's allocation shall be expended for administration.

(d) Skills Enhancement and Employment Opportunities Program..... 63,950,000

(e) Energy Management Program..... 4,520,778

(f) Police Services Program..... 3,592,983

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(g) Law Enforcement Planning and Development Program.....	11,797,800
(h) Surplus Property Program.....	1,762,749
(i) Water Resources Program.....	1,337,590
(j) Community Services Grant Program	1,363,000

SOURCE OF FUNDS:

(1) State General Fund.....	11,103,793 <u>11,768,793</u>		
(2) Federal and Local Funds.....		135,375,035	
(3) Administrative Transfers and Other Departmental Receipts.....		6,349,163	
(4) Administrative Transfers from Federal-Donated Surplus Property Sales.....		1,029,152	
(5) Administrative Transfers from State-Owned Surplus Property Sales.....		<u>658,597</u>	
Total Alabama Department of Economic and Community Affairs.....	<u>11,103,793</u> <u>11,768,793</u>	143,411,947	<u>154,515,740</u> <u>155,180,740</u>

In addition to the above appropriation to the Alabama Department of Economic and Community Affairs, there is hereby appropriated to the Birmingham Transit Authority \$250,000 from the State General Fund to be conditioned only upon that entity not receiving such funding from any other available sources of funds. In addition to the above appropriation to the Alabama Department of Economic and Community Affairs, there is hereby appropriated \$750,000 from the State General Fund to the Economic Development Revolving Loan

Funds created pursuant to Act 90-650 to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Finance Director and the approval of the Governor."

Section 2. Section 2C. 61. of Act 93-771 of the 1993 Regular Session is hereby amended to read as follows:

**"61. FORESTRY COMMISSION,
ALABAMA:**

(a) Forest Resources Protection and Development Program.....	23,681,581 <u>24,981,581</u>
(b) Birmingham Metro Forestry Unit.....	96,800
(c) People Against A Littered State.....	101,640

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	12,474,757		
(2) Federal and Local Funds.....		4,396,531	
(3) Forestry Commission Fund.....		<u>7,008,733</u>	
		<u>8,308,733</u>	
Total Alabama Forestry Commission....	<u>12,474,757</u>	<u>11,405,264</u>	<u>23,880,021</u>
		<u>12,705,264</u>	<u>25,180,021</u>

Of the above appropriation to the Alabama Forestry Commission, \$2,365,902 shall be used for rural and community fire protection, and \$443,385 shall be used for forestry research, marketing, management and environmental improvement grants and \$25,000 shall be expended for the Pine Beetle Project at the University of North Alabama. Of the above appropriation, \$50,000 shall be expended at the Forestry Resource Center and \$25,000 shall be expended for the LBW Scenic Trail."

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Section 3. Section 2C. 48. of Act 93-771 of the 1993 Regular Session is hereby amended to read as follows:

**" 48. FARMERS' MARKET
AUTHORITY:**

(a) Agricultural Development Services Program.....	225,121 <u>375,121</u>
(b) Capital Outlay Program.....	574,362 <u>424,362</u>

SOURCE OF FUNDS:

(1) State General Fund.....	42,718 <u>192,718</u>		
(2) State General Fund-Capital Outlay	574,362 <u>424,362</u>		
(3) Farmers' Market Authority Fund.....		182,403	
Total Farmers' Market Authority.....	617,080	182,403	799,483"

Section 4. Section 2C. 77. of Act 93-771 of the 1993 Regular Session is hereby amended to read as follows:

**"77. HISTORIC BLAKELEY
AUTHORITY:**

(a) Historical Resources Management Program.....	350,000 <u>385,000</u>
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SOURCE OF FUNDS:

(1) State General Fund.....	350,000 <u>385,000</u>		
Total Historic Blakeley Authority.....	350,000 <u>385,000</u>		350,000 <u>385,000</u>

Of the above appropriation to the
Historic Blakeley Authority, the sum
of \$35,000 shall be used for the
condemnation lawsuit settlement in
the case styled the Historic
Blakeley Authority v. Norvie
Williams, et al., #15138, Baldwin
County Probate Court, Baldwin
County, Alabama."

Section 5. Section 2A. 4. of Act 93-771 of the 1993 Regular Session is hereby amended to read as follows:

***4. LEGISLATIVE FISCAL OFFICE:**

(a) Legislative Operations and Support Program.....		<u>1,131,291</u>
		<u>1,156,291</u>

SOURCE OF FUNDS:

(1) State General Fund.....	<u>1,131,291</u>	
	<u>1,156,291</u>	
Total Legislative Fiscal Office.....	<u>1,131,291</u>	<u>1,131,291</u>
	<u>1,156,291</u>	<u>1,156,291</u>

Section 6. Section 2C. 112. of Act 93-771 of the 1993 Regular Session is hereby amended to read as follows:

***112. PUBLIC SERVICE COMMISSION:**

(a) Regulatory Services Program.....		5,467,060
(b) Administrative Services Program....		<u>5,187,596</u>
		<u>5,387,596</u>

The above appropriation includes a transfer to the State General Fund of \$1,500,000 in four equal amounts at the end of each quarter of the fiscal year.

SOURCE OF FUNDS:

(1) Public Service Commission Fund....	<u>9,904,576</u>
	<u>10,104,576</u>

The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities, radio companies and transportation companies and such parts or percentages of fees and taxes paid

by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$1,500,000 shall be transferred to the State General Fund.

(2) Gas Pipeline Safety Fund.....	579,080	
(3) Departmental Receipts.....	16,000	
(4) Federal and Local Funds.....	155,000	
Total Public Service Commission.....	<u>10,654,656</u>	<u>10,654,656</u>
	<u>10,854,656</u>	<u>10,854,656"</u>

Section 7. Section 2C. 17. of Act 93-771 of the 1993 Regular Session is hereby amended to read as follows:

*17. AUDITOR, STATE:

(a) Fiscal Management Program.....	<u>737,452</u>
	<u>787,452</u>

SOURCE OF FUNDS:

(1) State General Fund.....	<u>737,452</u>	
	<u>787,452</u>	
Total State Auditor.....	<u>737,452</u>	<u>737,452</u>
	<u>787,452</u>	<u>787,452"</u>

Section 8. Section 2C. 36. of Act 93-771 of the 1993 Regular Session is hereby amended to read as follows:

*36. DEVELOPMENT OFFICE,
ALABAMA:

(a) Promotional Development Program-Alabama Film Commission.....	<u>260,410</u>
	<u>419,410</u>
(b) Administrative Services Program....	294,000

(c) Industrial Development
Program-Alabama Development
Office.....4,637,5734,787,573

SOURCE OF FUNDS:

(1) State General Fund-Alabama
Development Office.....4,437,5734,587,573(2) State General Fund-Office of
Minority Business.....

183,920

(3) State General Fund-Small
Business Office of Advocacy.....

110,080

(4) State General Fund-Alabama Film
Commission.....269,410419,410

(5) Departmental Receipts.....

200,000

Total Alabama Development Office.....

5,000,983

200,000

5,200,9835,300,9835,500,983"

Section 9. Section 2C. 38. of Act 93-771 of the 1993 Regular Session is hereby amended to read as follows:

"38. DISTRICT ATTORNEYS:

(a) Court Operations Program.....

15,158,14015,854,945

The proposed spending plan included
in the above total is as follows:

Salaries of District Attor-
neys.....

3,329,796

For the use of the elected Assistant
District Attorney of the Bessemer
Division of the 10th Judicial
Circuit.....143,425157,808Salaries and expenses of
Supernumerary District Attor-
neys.....

1,167,254

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For use in the District Attorney's Office
of the following Judicial Circuits:

1st Judicial Circuit.....	138,552 <u>152,446</u>
2nd Judicial Circuit.....	160,550
3rd Judicial Circuit.....	256,830
4th Judicial Circuit.....	456,386 <u>474,646</u>
5th Judicial Circuit.....	423,783 <u>438,774</u>
6th Judicial Circuit.....	415,625 <u>429,798</u>
7th Judicial Circuit.....	264,369 <u>290,880</u>
8th Judicial Circuit.....	182,105 <u>200,367</u>
9th Judicial Circuit.....	222,776
10th Judicial Circuit.....	500,976 <u>551,215</u>
11th Judicial Circuit.....	131,174 <u>144,328</u>
12th Judicial Circuit.....	342,354 <u>376,686</u>
13th Judicial Circuit.....	509,708 <u>560,823</u>
14th Judicial Circuit.....	176,346 <u>207,346</u>
15th Judicial Circuit.....	531,166 <u>584,432</u>
16th Judicial Circuit.....	257,669 <u>283,509</u>

17th Judicial Circuit.....	166,949 <u>183,691</u>
18th Judicial Circuit.....	318,209 <u>350,120</u>
19th Judicial Circuit.....	214,858 <u>236,404</u>
20th Judicial Circuit.....	310,958 <u>314,634</u>
21st Judicial Circuit.....	203,986 <u>224,442</u>
22nd Judicial Circuit.....	230,052
23rd Judicial Circuit.....	456,728
24th Judicial Circuit.....	175,598 <u>193,207</u>
25th Judicial Circuit.....	174,800
26th Judicial Circuit.....	293,374 <u>322,794</u>
27th Judicial Circuit.....	198,364 <u>218,256</u>
28th Judicial Circuit.....	260,642 <u>286,780</u>
29th Judicial Circuit.....	315,368 <u>346,994</u>
30th Judicial Circuit.....	248,447 <u>273,362</u>
31st Judicial Circuit.....	145,789 <u>160,409</u>
32nd Judicial Circuit.....	221,970
33rd Judicial Circuit.....	160,855 <u>176,986</u>
34th Judicial Circuit.....	136,640

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35th Judicial Circuit.....179,915

36th Judicial Circuit.....~~128,887~~
141,812

37th Judicial Circuit.....237,630

38th Judicial Circuit.....216,113

39th Judicial Circuit.....~~163,347~~
179,728

40th Judicial Circuit.....~~132,592~~
146,989

Travel Expenses of District Attor-
neys.....67,377

Investigators Subsistence-Section
36-21-2, Code of Alabama
1975.....186,848

SOURCE OF FUNDS:

(1) State General Fund.....	15,158,140	
	<u>15,841,632</u>	
Total District Attorneys.....	15,158,140	15,158,140
	<u>15,854,945</u>	<u>15,854,945"</u>

Section 10. Section 2C. 30. of Act 93-771 of the 1993 Regular Session is hereby amended to read as follows:

**"30. CORRECTIONS, DEPARTMENT
OF:**

(a) Administrative Services and Logistical Support Program.....	10,034,679
(b) Institutional Services Corrections Program.....	140,354,083 <u>142,354,083</u>

The Department of Corrections at its
Limestone Correctional Facility
shall furnish a bus, the necessary
inmates and necessary security for
community service.

(c) Correctional Agricultural and Industries Program.....	18,352,652
---	------------

The Department of Corrections shall not utilize any portion of its State General Fund appropriation to support the Correctional Industries Program, for either the agribusiness element or the industries element.

(d) Capital Outlay Program.....	50,000
---------------------------------	--------

SOURCE OF FUNDS:

(1) State General Fund.....	141,578,854
-----------------------------	-------------

(2) Department of Corrections Industrial Revolving Fund.....	18,402,652
--	------------

The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.

(3) Drug Demand Reduction Fund.....	150,908
-------------------------------------	---------

In accordance with Sections 13A-12-280 through 13A-12-284, Code of Alabama 1975.

(4) Federal Funds.....	1,659,000
------------------------	-----------

(5) Departmental Receipts.....	7,000,000
	<u>9,000,000</u>

Total Department of Corrections.....	141,578,854	<u>27,212,560</u>	<u>168,791,414</u>
		<u>29,212,560</u>	<u>170,791,414"</u>

In addition to the above appropriation, there is hereby conditionally appropriated \$5,300,000 to the Department of Corrections from the State General Fund to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor. In addition, there is hereby appropriated \$500,000 for capital outlay to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor."

Section 11. Further amend Section 2C. of Act 93-771 of the 1993 Regular Session by adding after Section 2C. 79. a new subsection as follows:

"79A. HOME BUILDERS LICENSURE BOARD:

<u>(a) Professional and Occupational Licensing and Regulation Program</u>	524,460
--	----------------

SOURCE OF FUNDS:

<u>(1) Home Builders Licensure Board Fund</u>	524,460
--	----------------

In accordance with Sections 34-14A-1 through 34-14A-17, Code of Alabama 1975.

<u>Total Home Builders Licensure Board</u>	524,460	524,460"
---	----------------	-----------------

Section 12. If any section, paragraph, sentence, clause, provision or portion of this act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 13. All laws or parts of laws which conflict with this act are hereby repealed and shall not affect the parts which remain.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Harper was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turner, Venable, Walker, Warren, Williams, Willis and Zoghby.

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AMENDMENT OFFERED

Representative Holmes offered the following amendment to the bill, H. 35, as amended:

Amend House Bill 35 as substituted on page 1, lines 22 and 23 and on page 2, lines 20 and 21 by deleting the words:

"(7) provides for a supplemental appropriation to the State Auditor;"

Further amend on page 10 by deleting lines 12-21 in their entirety.

MOTION TO TABLE LOST

The motion offered by Representative Harper to table the amendment offered by Representative Holmes to the bill, H. 35, as amended, was lost.

Yeas 44; Nays 44.

Yea:

Mr. Speaker, Anderson, Biddle, Blakeney, Burke, Carns, Carter, Cullins, Ford, Freeman, Gaines, Gaston, Goodwin, Hamilton, Hammett, Harper, Harvey,

Higginbotham, Hill, Holladay, Holley, Hooper, Knight (A), Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Morton, Newton (C), Parker (T), Payne, Rich, Richardson, Sanderford, Sanderson, Smith (C), Spratt, Turnham, Walker, Warren and Williams.

-44

Nay:

Representatives Barnes, Beasley, Black (L), Black (M), Bowling, Bryant, Buskey, Butler, Cagle, Carothers, Clark (W), Clay, Crow, Curry, Dolbare, Flowers, Fuller, Hall, Haney, Hawkins, Hogan, Holmes, Kennedy, Knight (J), Mathis, McClain, McDowell, Melton, Mikell, Newton (D), Parker (P), Perdue, Petelos, Powell, Rockhold, Rogers (J), Smith (R), Starkey, Thomas, Turner, Venable, White, Willis and Zoghby.

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AMENDMENT LOST

The question was then on the adoption of the amendment offered by Representative Holmes to the bill, H. 35, as amended, and the amendment was lost.

Yeas 41; Nays 44.

Yea:

Representatives Barnes, Beasley, Black (L), Black (M), Bowling, Bryant, Buskey, Cagle, Carothers, Clark (W), Clay, Crow, Curry, Dolbare, Flowers, Fuller, Gaines, Hall, Haney, Hilliard, Holladay, Holmes, Kennedy, Knight (J), Mathis, McClain, McDowell, Melton, Newton (D), Parker (P), Perdue, Powell, Rockhold, Rogers (J), Sanderson, Spratt, Starkey, Thomas, Turner, White and Willis.

-41

Nay:

Mr. Speaker, Anderson, Biddle, Blakeney, Burke, Carns, Carter, Cosby, Ford, Freeman, Gaston, Goodwin, Hammett, Harper, Harvey, Hawkins, Higginbotham, Hill, Holley, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, McDaniel, McMillan, Mikell, Millican, Morton, Newton (C), Page, Parker (T), Payne, Penry, Richardson, Rogers (F), Sanderford, Smith (C), Smith (R), Turnham, Venable, Walker and Williams.

-44

AMENDMENT OFFERED

Representative Holley offered the following amendment to the bill, H. 35:

Amend House Bill 35 as substituted on page 17 after line 8 by inserting the following:

**"79B. CHOCTAWHATCHEE-PEA
RIVERS WATERSHED
MANAGEMENT AUTHORITY:**

(a) Water Resources Development Program.....	100,000
---	---------

SOURCE OF FUNDS

(1) State General Fund.....	100,000	
-----------------------------	---------	--

Total Choctawhatchee-Pea Rivers Watershed Management Authority. .	100,000	100,000
--	---------	---------

The above appropriation is for an Early Warning Flood Control System and is conditioned upon receiving federal matching funds for said purpose."

Further amend on page 2 on lines 2 and 26 by deleting the period (.) and inserting the following: "; (12) to provide a conditional appropriation to Choctawhatchee-Pea Rivers Watershed Management Authority."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 3.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Bryant, Butler, Cagle, Carns, Carothers, Clay, Collins, Crow, Cullins, Curry, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hilliard, Hogan, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Letson, Mathis, McMillan, Melton, Mikell, Millican, Morrow, Morton, Page, Parker (P), Parker (T), Payne, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Warren, White, Willis and Zoghby.

Nay:

Representatives Burke, Dolbare and McKee.

- 3

AMENDMENT OFFERED

Representative Turner offered the following amendment to the bill, H. 35, as amended:

On page 1, line 24, after the semi-colon insert the following: and

On page 1, line 25, after the word "Attorneys" delete the following: ; and (10) provides for an appropriation to the Home Builders Licensure Board.

On pages 13 and 14, delete Section 10 in its entirety and renumber subsequent sections accordingly.

AMENDMENT TABLED

On motion of Representative Hill, the amendment offered by Representative Turner to the bill, H. 35, as amended, was tabled.

Yeas 46; Nays 25.

Yea:

Mr. Speaker, Beasley, Black (M), Bowling, Burke, Carns, Carter, Collins, Cosby, Flowers, Ford, Gaines, Gaston, Gullatt, Hamilton, Hammett, Harvey, Hawkins, Higginbotham, Hill, Hooper, Knight (A), Kvalheim, Lindsey, McDaniel, McMillan, Mikell, Millican, Morton, Newton (C), Page, Parker (P), Parker (T), Penry, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Spratt, Starkey, Thomas, Turnham, White and Zoghby.

-46

Nay:

Representatives Barnes, Black (L), Bryant, Clay, Crow, Cullins, Curry, Dolbare, Hall, Holley, Johnson, Knight (J), Laird, Letson, McKee, Newton (D), Payne, Perdue, Poole, Rogers (F), Smith (C), Turner, Venable, Walker and Willis.

-25

AMENDMENT OFFERED

Representative Knight (J) offered the following amendment to the bill, H. 35, as amended:

Amend House Bill 35 as substituted on page 10, lines 14, 17 and 19 by deleting the figure "787,452" and inserting in lieu thereof the figure "762,452".

MOTION TO TABLE LOST

The motion offered by Representative Harper to table the amendment offered by Representative Knight (J) to the bill, H. 35, as amended, was lost.

Yeas 36; Nays 44.

Yea:

Mr. Speaker, Biddle, Burke, Cagle, Carns, Carothers, Carter, Gaines, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Higginbotham, Hill, Hogan, Holley, Hooper, Knight (A), Laird, Layson, Letson, McMillan, Mikell, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Rogers (F), Sanderson, Turnham, Venable and Williams.

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Nay:

Representatives Barnes, Beasley, Black (L), Black (M), Bryant, Buskey, Clark (W), Clay, Crow, Curry, Dolbare, Flowers, Ford, Fuller, Hawkins, Hilliard, Holmes, Johnson, Kennedy, Knight (J), Lindsey, Mathis, McClain, McDaniel, McDowell, Melton, Newton (D), Parker (P), Perdue, Poole, Powell, Richardson, Rockhold, Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Walker, Warren, White and Willis.

-44

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative Knight (J) to the bill, H. 35, as amended, and the amendment was adopted.

Yeas 64; Nays 13.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Bryant, Burke, Buskey, Butler, Cagle, Carothers, Carter, Clark (W), Clay, Crow, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Gullatt, Hall, Haney, Harper, Hawkins, Haynes, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (J), Kvalheim, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Morton, Newton (C), Newton (D), Parker (P), Penry, Perdue, Richardson, Rogers (F), Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White, Willis and Zoghby.

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Nay:

Representatives Cosby, Gaines, Hammett, Hill, Holley, Knight (A), Layson, McKee, Mikell, Petelos, Sanderson, Turnham and Williams.

-13

AMENDMENT OFFERED

Representative Hall offered the following amendment to the bill, H. 35, as amended:

Amend H. 35 on page 17 after line 8 by inserting the following:

The above appropriation to the Homebuilders Licensure Board shall be conditioned only upon a circuit court determination that such Board is legally in existence for the fiscal year beginning October 1, 1993.

AMENDMENT TABLED

On motion of Representative Harper, the amendment offered by Representative Hall to the bill, H. 35, as amended, was tabled.

Yeas 56; Nays 21.

Yea:

Mr. Speaker, Beasley, Black (M), Box, Burke, Cagle, Carns, Carothers, Clay, Collins, Crow, Flowers, Ford, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hilliard, Hogan, Hooper, Knight (A), Knight (J), Kvalheim, Mathis, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Payne, Penry, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Anderson, Barnes, Biddle, Carter, Cullins, Curry, Dolbare, Goodwin, Hall, Holley, Holmes, Johnson, Laird, Letson, McClain, Newton (C), Newton (D), Rogers (F), Turner, Venable and Walker.

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And the bill:

H. 35. To amend the General Fund appropriation bill, Act 93-771 of the 1993 Regular Session which makes appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994, in the following manner: (1) to provide for a supplemental appropriation to the Alabama Department of Economic and Community Affairs; (2) to amend language and to provide for a supplemental appropriation to the Alabama Forestry Commission from the Alabama Forestry Commission Fund; (3) to transfer funds between programs under the Farmers' Market Authority; (4) to provide for a supplemental appropriation to the Historic Blakeley Authority; (5) to provide for a supplemental appropriation to the Legislative Fiscal Office; (6) to provide for a supplemental appropriation to the Alabama Public Service Commission from the Public Service Commission Fund; (7) to provide for a supplemental appropriation to the State Auditor; (8) to provide for a supplemental appropriation to the Alabama Development Office; (9) to provide for a supplemental appropriation to the District Attorneys; (10) to provide for a supplemental appropriation to the Department of Corrections from the Department of Corrections Special Revenue Fund; and (11) to provide for an appropriation to the Home Builders Licensure Board; (12) to provide a conditional appropriation to Choctawhatchee-Pea Rivers Watershed Management Authority.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 4.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Burke, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Drake, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Warren, Williams, Willis and Zoghby.

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Nay:

Representatives Curry, Dolbare, Freeman and Hall.

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4th Day

And the bill:

H. 36. To amend the Alabama Special Educational Trust Fund appropriation bill, Act 93-772 of the 1993 Regular Session which makes appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1994, in the following manner: (1) to provide for a supplemental appropriation to the Alabama Commission on Higher Education for the Eminent Scholars Program; (2) to remove language under the appropriation to the University of South Alabama; (3) to provide for a supplemental appropriation to Auburn University for research facilities; (4) to provide for a supplemental appropriation to Gadsden State Community College; and (5) to provide for a supplemental appropriation to Livingston University.

was taken up.

SUBSTITUTE OFFERED

Representative Harper offered the following substitute to the bill, H. 36:

**A BILL
TO BE ENTITLED
AN ACT**

To amend the Alabama Special Educational Trust Fund appropriation bill, Act 93-772 of the 1993 Regular Session which makes appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1994, in the following manner: (1) to provide for a supplemental appropriation to Troy State University; (2) to remove language under the appropriation to the University of South Alabama; (3) to provide for a supplemental appropriation to Auburn University; (4) to provide for a supplemental appropriation to Gadsden State Community College; (5) to provide for a supplemental appropriation to Livingston University; (6) to provide for a supplemental appropriation to Alabama State University; (7) to provide for a supplemental appropriation to the Department of Mental Health and Mental Retardation; and (8) to provide for a supplemental appropriation to the Technical College System.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 4. XII. of Act 93-772 of the 1993 Regular Session is hereby amended to read as follows:

**"XII. BOARD OF TRUSTEES OF
TROY STATE UNIVERSITY**

(a) Operations and Maintenance and Program Support.....	<u>22,302,902</u>	36,322,283	<u>58,715,185</u>
	<u>22,642,902</u>		<u>58,965,185</u>
(b) Auxiliary Enterprises.....		9,082,753	9,082,753
(c) Restricted Funds.....		<u>4,470,000</u>	<u>4,470,000</u>

SOURCE OF FUNDS:

(1) ASETF.....	<u>22,302,902</u>		
	<u>22,642,902</u>		
(2) Other Funds.....		<u>49,875,036</u>	
Total Board of Trustees of Troy State University.....	<u>22,302,902</u>	<u>49,875,036</u>	<u>72,267,938</u>
	<u>22,642,902</u>		<u>72,517,938</u>

Of the above appropriation to Operations and Maintenance and Program Support, the sum of \$250,000 shall be used by the Troy State University Education Technology Center for the purpose of training teachers to use computers, interactive videos, optic scanners and other forms of high technology equipment in the elementary and secondary classrooms of the state."

Section 2. Section 4. XI. of Act 93-772 of the 1993 Regular Session is hereby amended to read as follows:

***XI. BOARD OF TRUSTEES OF
UNIVERSITY OF SOUTH
ALABAMA**

(a) Operations and Maintenance and Program Support.....	53,069,481	237,764,549	290,834,030
(b) Auxiliary Enterprises.....		11,066,701	11,066,701
(c) Restricted Funds.....		<u>20,570,000</u>	<u>20,570,000</u>

SOURCE OF FUNDS:

(1) ASETF.....	53,069,481
----------------	------------

(2) Other Funds.....		269,401,250	
Total Board of Trustees of University of South Alabama.....	53,069,481	269,401,250	322,470,731

~~No funds herein appropriated to the University of South Alabama may be transferred to or expended by any foundation or entity not governed by the University's Board of Trustees."~~

Section 3. Section 4. VI. of Act 93-772 is hereby amended to read as follows:

**"VI. BOARD OF TRUSTEES OF
AUBURN UNIVERSITY**

(a) Operations and Maintenance and Program Support.....	113,544,523	93,619,352	207,163,875
(b) Agricultural Experiment Station.....	18,210,518	14,085,211	32,295,729
(c) Cooperative Extension Service.....	20,895,162	12,651,801	33,546,963
(d) Horticulture and Aquaculture Research.....	590,000		590,000
	<u>1,040,000</u>		<u>1,040,000</u>

Of the above appropriation, \$450,000 shall be used for the operation and maintenance of aquaculture field research facilities.

(e) Auxiliary Enterprises		45,866,424	45,866,424
(f) Restricted Funds.....		62,642,975	62,642,975

SOURCE OF FUNDS:

(1) ASETF.....	153,240,203		
	<u>153,690,203</u>		
(2) Other Funds.....		228,865,763	
Total Board of Trustees of Auburn University.....	153,240,203	228,865,763	382,105,966
	<u>153,690,203</u>		<u>382,555,966"</u>

Section 4. Section 3A. 11. of Act 93-772 of the 1993 Regular Session is hereby amended to read as follows:

***11. EDUCATION, STATE BOARD
OF - JUNIOR COLLEGE SYSTEM:**

(a) Operations and Maintenance.....	80,213,639	63,108,392	143,322,031
(b) Library Enhancement.....	275,326		275,326
(c) High Technology Equipment.....	183,552		183,552
<u>(d) Gadsden State Community College</u>	<u>100,000</u>		<u>100,000</u>
(e) Auxiliary Enterprises.....		10,034,942	10,034,942
(f) Restricted Funds.....		<u>35,319,507</u>	<u>35,319,507</u>

SOURCE OF FUNDS:

(1) ASETF.	<u>80,672,517</u>		
	<u>80,772,517</u>		
(2) Other Funds.....		<u>108,462,841</u>	
Total State Board of Education - Junior College System.....	<u>80,672,517</u>	<u>108,462,841</u>	<u>189,135,358</u>
	<u>80,772,517</u>		<u>189,235,358</u>

(1) The Operations and Maintenance appropriation above of \$80,213,639 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed herein on the following formula:

(a) The sum of \$275,000 to only those junior colleges enumerated below in subsection (b).

(b) The remainder of the appropriation is to be allotted to each junior college in accordance with its percentage of the total credit hours attempted for the summer quarter of the school year 1991-92 and the fall, winter and spring quarters of the school year 1992-93 by all the junior colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a 2:1 ratio based upon the summer quarter of the school year 1991-92 and the fall, winter, and spring quarters of the school year 1992-93 in accordance with the number of quarter hours attempted within the departments. However, only major allied health courses in animal health, paramedics, dental assistant, respiratory therapy assistant, medical laboratory assistant, physical therapy assistant, and radiation technology will be funded at this ratio. Related courses

and other allied health courses will be funded the same as non-health programs. Continuing education unit hours shall be excluded from the computations herein required. The credit hours for prison education (correctional education) shall not be calculated in this section. Funding for those hours is provided in Postsecondary Prison Education. Any credit hours produced by an off campus class with less than twelve students enrolled in that class shall be excluded from the computations for state funding if the total number of credit hours produced by each such class offered by an institution exceeds 12% of the credit hours generated at each off-campus location. The above appropriation is to be distributed to the following junior colleges: (1) Bevill State Community College; (2) S.D. Bishop State Community College; (3) John C. Calhoun State Community College; (4) Chattahoochee Valley Community College (Phenix City); (5) Central Alabama Community College; (6) Jefferson Davis State Community College; (7) Enterprise State Junior College; (8) James H. Faulkner State Community College; (9) Gadsden State Community College; (10) Alabama Southern Community College; (11) Jefferson State Community College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Community College; (14) Northwest Alabama Community College; (15) Shoals Community College; (16) Snead State Community College; (17) Southern Union State Junior College; (18) George C. Wallace State Community College (Selma); (19) George C. Wallace State Community College (Dothan); (20) Lurleen B. Wallace State Junior College; (21) George C. Wallace Community College at Hanceville; (22) Shelton State Community College.

The State Board of Education is hereby directed to enforce a moratorium on the realignment, division, or merger of Northwest Alabama Community College with any other postsecondary institution under the control of the State Board of Education and the Postsecondary Education Department until such time as the Department of Examiners of Public Accounts has conducted a review and made a report concerning the allegations of special funding considerations given by Postsecondary Education Department to certain community colleges. The alignment of Northwest Alabama Community College shall not be altered from that in effect on October 1, 1992. No program or course within the two year college system can be transferred from any designation as junior or technical for funding purposes. Allocations for such programs and courses shall be based upon the same designation as was used for the 1992-93 allocations.

(2) The Library Enhancement appropriation above of \$275,326 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in (1)(b) on a fall quarter 1992-93 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

(3) The High Technology Equipment appropriation above of \$183,552 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in (1)(b) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(4) The Gadsden State Community College appropriation above of \$100,000 shall be used in the construction of the June Bugg Library Reference Room at Gadsden State Community College.

In addition to the above appropriations, there is hereby conditionally appropriated the sum of \$640,000 to Theodore A. Lawson State Community College to be conditioned upon the availability of funds in the ASETF, the recommendation of the Finance Director, and the approval of the Governor.

In addition to the above appropriations, there is hereby conditionally appropriated the sum of \$600,000 to S.D. Bishop State Community College to be conditioned upon the availability of funds in the ASETF, the recommendation of the Finance Director, and the approval of the Governor."

Section 5. Section 4. VIII. of Act 93-772 of the 1993 Regular Session is hereby amended to read as follows:

**"VIII. BOARD OF TRUSTEES OF
LIVINGSTON UNIVERSITY**

(a) Operations and Maintenance and Program Support.....	<u>6,720,134</u> <u>6,745,134</u>	3,509,145	<u>10,220,279</u> <u>10,254,279</u>
(b) Auxiliary Enterprises.....		3,280,227	3,280,227
(c) Restricted Funds.....		<u>382,125</u>	<u>382,125</u>

SOURCE OF FUNDS:

(1) ASETF.....	<u>6,720,134</u> <u>6,745,134</u>		
(2) Other Funds.....		<u>7,171,497</u>	
Total Board of Trustees of Livingston University.....	<u>6,720,134</u> <u>6,745,134</u>	7,171,497	<u>13,891,631</u> <u>13,916,631"</u>

Section 6. Section 4. III. of Act 93-772 of the 1993 Regular Session is hereby amended to read as follows:

**"III. BOARD OF TRUSTEES OF
ALABAMA STATE UNIVERSITY**

(a) Operations and Maintenance and Program Support.....	<u>20,249,334</u> <u>20,349,334</u>	12,308,943	<u>32,558,277</u> <u>32,658,277</u>
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(b) Desegregation Planning.....	200,000	200,000
(c) For Recruiting and Minority Scholarships.....	300,000	300,000
(d) Auxiliary Enterprises.....	6,389,561	6,389,561
(e) Restricted Funds.....	9,096,446	9,096,446

SOURCE OF FUNDS:

(1) ASETF.....	20,749,334		
	<u>20,849,334</u>		
(2) Other Funds.....		27,794,950	
Total Board of Trustees of Alabama State University.....	20,749,334	27,794,950	48,544,284
	<u>20,849,334</u>		<u>48,644,284</u>

Of the above appropriation to Operations and Maintenance and Program Support the sum of \$100,000 shall be allocated to the Alabama State University Library as a memorial to Representative John Buskey."

Section 7. Section 3A. 27. of Act 93-772 of the 1993 Regular Session is hereby amended to read as follows:

"27. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:

(a) Institutional Treatment and Care-Mental Illness Program.....	7,046,454
	<u>13,046,454</u>

Of the above appropriation, \$2,828,703 shall be expended at the Eufaula Adolescent Center.

(b) Institutional Treatment and Care-Mental Retardation Program...	2,265,485
	<u>5,265,485</u>
(c) Alzheimer's Disease Education and Training Program.....	150,000

SOURCE OF FUNDS:

(1) ASETF.....	<u>9,461,939</u>	
	<u>18,461,939</u>	
Total Department of Mental Health and Mental Retardation.....	<u>9,461,939</u>	<u>9,461,939</u>
	<u>18,461,939</u>	<u>18,461,939"</u>

Section 8. Section 3A. 12. of Act 93-772 of the 1993 Regular Session is hereby amended to read as follows:

"12. EDUCATION, STATE BOARD OF
- TECHNICAL COLLEGE SYSTEM:

(a) Operations and Maintenance.....	<u>62,180,993</u>	47,915,631	<u>110,096,624</u>
	<u>62,530,993</u>		<u>110,446,624</u>
(b) Library Enhancement	456,682		456,682
(c) High Technology Equipment	365,344		365,344
(d) Auxiliary Enterprises		6,201,915	6,201,915
(e) Restricted Funds.....		<u>26,816,662</u>	<u>26,816,662</u>

SOURCE OF FUNDS:

(1) ASETF.....	<u>63,003,019</u>	
	<u>63,353,019</u>	
(2) Other Funds.....		<u>80,934,208</u>
Total State Board of Education - Technical College System.....	<u>63,003,019</u>	<u>80,934,208</u>
	<u>63,353,019</u>	<u>143,937,227</u>
		<u>144,287,227</u>

(1) The Operations and Maintenance appropriation above of \$62,180,993 \$62,530,993 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed herein on the following formula:

(a) The sum of \$350,000 to only those technical colleges enumerated below in subsection (b).

(b) The remainder of the appropriation is to be allotted to each technical college in accordance with its percentage of the total credit hours attempted for the summer quarter of the school year 1991-92 and the fall, winter and spring

quarters of the school year 1992-93 by all technical colleges listed in this appropriation, provided, however, that the credit hours from the major flight technology courses at Wallace State College, Hanceville, Northwest Community College and the Alabama Aviation and Technical College for the same quarters as above will be funded on a 2:1 ratio and provided that the credit hours from the major registered nursing courses at Beville State Community College for the same quarters as above will be funded at the same rate as the credit hours from the major registered nursing courses of the junior colleges. The credit hours for prison education (correctional education) shall not be calculated in this section. Funding for those hours is provided in Postsecondary Prison Education. Any credit hours produced by an off campus class with less than twelve students enrolled in that class shall be excluded from the computations for state funding if the total number of credit hours produced by each such class offered by an institution exceeds 12% of the credit hours generated at each off-campus location. The above appropriation is to be distributed to the following technical colleges: (1) Jefferson Davis State Community College; (2) Alabama Aviation and Technical College; (3) Harry M. Ayers State Technical College; (4) Bessemer State Technical College; (5) Beville State Community College; (6) S.D. Bishop State Community College; (7) S.D. Bishop State Community College-Carver Campus; (8) John C. Calhoun State Community College; (9) Central Alabama Community College; (10) J.F. Drake State Technical College; (11) Gadsden State Community College-Alabama Technical College Campus; (12) Gadsden State Community College-Gadsden State Technical Institute Campus; (13) Alabama Southern Community College; (14) Jefferson State Community College; (15) Theodore A. Lawson State Community College; (16) Douglas MacArthur State Technical College; (17) Northwest Alabama Community College; (18) Opelika State Technical College; (19) John M. Patterson State Technical College; (20) Ed E. Reid State Technical College; (21) Shelton State Community College; (22) Shoals Community College; (23) Chauncey Sparks State Technical College; (24) Council Trenholm State Technical College; (25) C.A. Fredd State Technical College; (26) George C. Wallace State Community College (Selma); (27) George C. Wallace State Community College (Dothan); (28) George C. Wallace State Community College (Hanceville); (29) Faulkner State Community College (base transferred from Southwest State Technical College); (30) J.F. Ingram State Technical College; (31) Snead State Community College; (32) Northeast Alabama State Community College; (33) Chattahoochee Valley Community College.

The State Board of Education is hereby directed to enforce a moratorium on the realignment, division, or merger of Northwest Alabama Community College with any other postsecondary institution under the control of the State Board of Education and the Postsecondary Education Department until such time as the Department of Examiners of Public Accounts has conducted a review and made a report concerning the allegations of special funding considerations given by Postsecondary Education Department to certain community colleges. The alignment of Northwest Alabama Community College shall not be altered from that in effect on October 1, 1992. No program or course within the two year college system can be transferred from any designation as junior or technical for funding purposes. Allocations for such programs and courses shall be based upon the same designation as was used for the 1992-93 allocations.

(2) The Library Enhancement appropriation above of \$456,682 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in (1)(b) on a fall quarter 1992-93 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, recordings, and video tapes.

(3) The High Technology Equipment appropriation above of \$365,344 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed in (1)(b) above on a needs basis as determined by the Chancellor of the Postsecondary Education System.

In addition to the above appropriation there is hereby conditionally appropriated the sum of \$300,000 to Shelton State Community College - C.A. Fredd Technical Division. This appropriation is conditioned upon the availability of funds in the ASETF, the recommendation of the Finance Director and the approval of the Governor."

Section 9. If any section, paragraph, sentence, clause, provision portion of this act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed and shall not affect the parts which remain.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 69; Nays 2.

Yea:

Mr. Speaker, Beasley, Black (M), Box, Bryant, Burke, Buskey, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Layson, Lindsey, Mathis, McKee, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Willis and Zoghby.

Nay:

Representatives Dolbare and Williams.

- 2

AMENDMENT OFFERED

Representative Barnes offered the following amendment to the bill, H. 36, as amended:

Amend H. 36 on page 14 after line 1 by adding the following section and renumbering the remaining sections accordingly:

"Section 9. In addition to the above appropriations there is hereby appropriated the amount of \$250,000 from the Alabama Special Educational Trust Fund to Lawson State Community College for the establishment of an automobile diagnostic center."

Further amend on page 1 line 22 and page 2 line 13 by striking the "period" and inserting in lieu thereof "(a) and provides for a supplemental appropriation to Lawson State Community College."

AMENDMENT TABLED

On motion of Representative Harper, the amendment offered by Representative Barnes to the bill, H. 36, was tabled.

Yeas 50; Nays 10.

Yea:

Mr. Speaker, Beasley, Black (M), Box, Burke, Cagle, Carter, Collins, Crow, Curry, Flowers, Ford, Fuller, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Knight (A), Kvalheim, Lindsey, McDaniel, McKee, Millican, Morrow, Morton, Newton (C), Parker (T), Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Starkey, Turnham, Venable, Walker, White, Willis and Zoghby.

-50

Nay:

Representatives Barnes, Hawkins, Layson, McClain, McDowell, Melton, Newton (D), Perdue, Rogers (J) and Williams.

-10

And the bill:

H. 36. To amend the Alabama Special Educational Trust Fund appropriation bill, Act 93-772 of the 1993 Regular Session which makes appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1994, in the following manner: (1) to provide for a supplemental appropriation to Troy State University; (2) to remove language under the appropriation to the University of South Alabama; (3) to provide for a supplemental appropriation to Auburn University; (4) to provide for a supplemental appropriation to Gadsden State Community College; (5) to provide for a supplemental appropriation to Livingston University; (6) to provide for a supplemental appropriation to Alabama State University; (7) to provide for a supplemental appropriation to the Department of Mental Health and Mental Retardation; and (8) to provide for a supplemental appropriation to the Technical College System.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 3.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Box, Burke, Buskey, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Flowers, Ford, Fuller, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

-86

Nay:

Representatives Dolbare, Mikell and Williams.

- 3

And the bill:

H. 34. To amend Act No. 93-652, S. 16, 1993 Regular Session, to provide further for certain educational assistance benefits for certain active members of the Alabama National Guard and to make an appropriation.

was taken up.

AMENDMENT OFFERED

Representative Holmes offered the following amendment to the bill, H. 34:

Amend House Bill 34 on page 5, after line 12 by inserting a new Section 4 and renumbering subsequent sections accordingly:

"Section 4. No person is eligible for a scholarship under the provisions of this Section of the Code unless that person shall have served on active duty six months or longer."

AMENDMENT TABLED

On motion of Representative Harper, the amendment offered by Representative Holmes to the bill, H. 34, was tabled.

Yeas 64; Nays 12.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Bryant, Burke, Carns, Carothers, Carter, Collins, Cosby, Crow, Curry, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Knight (A), Kvalheim, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Petelos, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, White, Williams, Willis and Zoghby.

-64

Nay:

Representatives Barnes, Buskey, Butler, Cagle, Clay, Dolbare, Hall, Holmes, Knight (J), McClain, Mikell and Turner.

-12

And the bill, H. 34, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Box, Bryant, Burke, Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow,

Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representative Holmes.

- 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchem:

S. 90. To amend and reenact Act No. 93-479, H. 335 of the 1993 Regular Session, which act provides a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems, for the funding of the increase, and that no person shall be entitled to receive the increase in benefits granted in the act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits, to provide for the adjustment of the survivor allowance of those eligible retirees that selected a monthly survivor allowance payable at death to designated beneficiaries.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 90. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Dial, Windom, Hale, Owens, Dixon, deGraffenried, Floyd, Ghee, Smith (J), Waggoner, Campbell, Hill, and Bolling:

S. 32. Relating to the State Ethics Law; defining certain terms; conforming certain provisions to those terms; making technical nonsubstantive changes; increasing the membership of the commission and providing for the method of filling vacancies; providing for the promulgation of rules and regulations; requiring the recording of proceedings and the preservation of the records; specifying the procedure for the issuance of advisory opinions; requiring that investigative matters remain confidential and providing penalties for violations; providing a procedure for processing a complaint, and for offering the respondent a right to participate; providing a procedure for conducting an investigation and a hearing; providing a procedure for the subpoena of evidence; revising the statement of economic interests; specifying the procedure to be used to remove a candidate from the ballot; requiring lobbyists and principals to file additional information; prohibiting public officials and public employees from soliciting a thing of value or certain costs and prohibiting a lobbyist from satisfying such a solicitation; to prevent certain former public officials and public employees from lobbying and contracting with public agencies for a certain period of time after their public service; to provide certain employment protection and civil remedies to persons filing a complaint; creating the crime of wanton false reporting of a complaint and false reporting of a complaint and prescribing criminal penalties; permitting the recovery of attorney fees in a civil action; and amending Sections 36-25-1 to 36-25-30, inclusive, Code of Alabama 1975.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 32. Ways and Means.

RESOLUTION

The following resolution was introduced:

By Representative Carter:

H.R. 82. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, August 19, 1993, we adjourn to meet again of Friday, August 20, 1993, at 10:00 a.m.

MOTION TO SUSPEND RULES AND ADOPT OFFERED

Representative Carter offered the motion to suspend the rules and adopt the resolution, H.R. 82.

DIVISION OF THE QUESTION

Representative Mikell called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Carter to suspend the rules in order to take up for immediate consideration the resolution, H.R. 82, and the motion was lost.

Yeas 21; Nays 66.

Yea:

Representatives Burke, Buskey, Cagle, Clay, Crow, Dolbare, Freeman, Hall, Holmes, Knight (J), Laird, Layson, Lindsey, Mikell, Morrow, Newton (D), Parker (P), Perdue, Poole, Powell and Willis.

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Nay:

Mr. Speaker, Beasley, Black (M), Blakeney, Bryant, Butler, Carns, Carothers, Carter, Collins, Cosby, Cullins, Curry, Flowers, Ford, Fuller, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morton, Newton (C), Page, Payne, Penry, Petelos, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Warren, White, Williams and Zoghby.

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The resolution, H.R. 82, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

H. 33. To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund in the amount of \$2,000,000 for the fiscal year ending September 30, 1994, to the Alabama Commission on Higher Education which sum shall be allocated to the Eminent Scholars Program.

was taken up.

SUBSTITUTE OFFERED

Representative Harper offered the following substitute to the bill, H. 33:

**A BILL
TO BE ENTITLED
AN ACT**

To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund in the amount of \$2,000,000 for the fiscal year ending September 30, 1993, to the Alabama Commission on Higher Education which sum shall be allocated to the Eminent Scholars Program.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) There is hereby appropriated from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1993, the supplemental sum of \$2,000,000 to the Alabama Commission on Higher Education.

(b) The \$2,000,000 herein appropriated shall be allocated to the Eminent Scholars Program.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 83; Nays 2.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (D), Page, Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Warren, Willis and Zoghby.

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Nay:

Representatives Mikell and Williams.

- 2

And the bill:

H. 33. To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund in the amount of \$2,000,000 for the fiscal year ending September 30, 1993, to the Alabama Commission on Higher Education which sum shall be allocated to the Eminent Scholars Program.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 4.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Flowers, Ford, Freeman, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (T), Payne, Penry, Perdue, Petelos, Poole, Richardson, Rockhold,

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Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Warren, Williams, Willis and Zoghby.

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Nay:

Representatives Dolbare, Mikell, Parker (P) and Powell.

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CO-SPONSORS ADDED

Representatives Beasley, Black (L), Black (M), Bryant, Butler, Carothers, Carter, Clark (J), Cosby, Cullins, Gaines, Gaston, Hamilton, Hammett, Haney, Haynes, Higginbotham, Johnson, Kennedy, Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McMillan, Morton, Page, Perdue, Petelos, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable and Warren were added as co-sponsors to the bill, H. 33.

And the bill:

H. 65. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to Auburn University for the fiscal year ending September 30, 1994.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Butler, Cagle, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Gaston, Gullatt, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turner, Turnham, Venable, Warren, Williams, Willis and Zoghby.

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CO-SPONSORS ADDED

Representatives Beasley, Black (M), Bryant, Carothers, Carter, Clark (J), Cosby, Cullins, Dolbare, Hammett, Haney, Higginbotham, Hooper, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McMillan, Page, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Turnham, Venable and Warren were added as co-sponsors to the bill, H. 65.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 27. To make legislative findings with respect to the need for additional powers of the State Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and research projects; to establish criteria for the selection of enterprises and projects eligible for financing by the Authority; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to grant certain incentives to companies proposing to construct projects in the State, including credits against the corporate income tax and the collection of certain fees from employees; to grant to employees from whom such fees have been collected a credit against State income taxes; to permit the Authority to establish tax increment funds out of which Project Obligations may be made payable and to provide for payments into such funds; to grant certain incentives to existing corporations in the state under certain circumstances, including credits against the corporate income tax and the collection of certain fees from employees; to permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to require the Authority to report to the Legislature annually; to confirm that the Authority is exempt from taxation; and to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm or corporation.

TOMMY CARTER
Chairman

And the bill, H. 27, as engrossed, was ordered sent to the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Johnson, the rules were suspended in order to take up out of order the bill, H. 25.

And the bill:

H. 25. To amend Section 26-14-3 of the Code of Alabama 1975, to provide that investigations of reports of suspected child abuse or neglect involving discipline or corporal punishment committed in public or private schools or kindergartens or suspected child abuse or neglect committed in state-operated child residential facilities be investigated by law enforcement agencies, and that all other reports of suspected child abuse and neglect be investigated by the Department of Human Resources; to amend Section 26-14-1 of the Code of Alabama 1975, to revise the definition of child sexual abuse and neglect; and to specify the investigatory authority of the Department of Human Resources in cases involving alleged neglect due to inadequate medical treatment based upon legitimate religious practices.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Bryant, Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turner, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-80

And the bill:

H. 86. To make a supplemental appropriation from the State Water Safety Fund in the State Treasury to the Department of Conservation and Natural Resources, Division of Marine Police, for the fiscal year ending September 30, 1994.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 1.

Yea:

Representatives Barnes, Beasley, Black (M), Blakeney, Bryant, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turnham, Warren, Willis and Zoghby.

-76

Nay:

Mr. Speaker.

- 1

And the bill:

H. 18. Relating to the use of explosives; to appropriate from the State Fire Marshal's Fund in the State General Fund, the sum of two hundred twenty-five thousand dollars (\$225,000) in the fiscal year commencing October 1, 1993, to the Department of Insurance for use by the State Fire Marshal for expenditure in the administration and enforcement of the Alabama Explosives Safety Act of 1993, and to provide that these funds shall be supplemental to any funds appropriated to the Department of Insurance or the State Fire Marshal.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Barnes, Black (L), Black (M), Bryant, Burke, Butler, Cagle, Carns, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Gaines, Gaston, Gullatt, Hall, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, McClain, McDaniel, McKee, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Warren, Williams, Willis and Zoghby.

-68

And the bill:

H. 23. Relating to the Department of Youth Services, to make a supplemental appropriation to the department for the fiscal year ending September 30, 1993, from the Alabama Special Educational Trust Fund.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Bryant, Burke, Butler, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Gaston, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Warren, White, Willis and Zoghby.

-73

And the bill:

H. 30. (With Amendment): To amend the Alabama Special Educational Trust Fund Appropriation Act, Act No. 93-772, H. 222, 1993 Regular Session, to remove a prohibition concerning the transfer or expenditure of certain funds by the University of South Alabama.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 30 on Page 2, line 11 by striking the word "of".

Further amend the bill on Page 2, line 13 by inserting the word "South" following the word "of".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Bryant, Burke, Butler, Cagle, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Gaston, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Starkey, Thomas, Warren, Williams, Willis and Zoghby.

-78

And the bill, H. 30, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Bryant, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Gaston, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Starkey, Thomas, Warren, Williams, Willis and Zoghby.

-74

And the bill:

H. 2. (With Amendments): To revise the Underground and Aboveground Storage Tank Trust Fund charge for the first withdrawal from bulk of motor fuels in this state, to appropriate a portion of the fund for administrative costs of the Alabama Department of Environmental Management, to provide for retroactive effect, and amending Sections 22-35-3, 22-35-4, 22-35-5, 22-35-6, 22-35-9, and 22-35-13, Code of Alabama 1975, as amended by Act No. 93-628, H. 739, 1993 Regular Session, for those purposes.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

On page 11, line 17, after the period following the word "state", add the additional underlined sentence:

However, this change shall not be imposed upon any withdrawal from bulk of fuel oil to be used in the generation of electricity.

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bryant, Butler, Cagle, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalhelm, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Venable, Warren, Williams and Willis.

-81

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

On page 7, line 14, between the period and the underlined word "withdrawal", add the following additional underlined sentence: The underground and aboveground storage tank trust fund charge shall not be assessed on motor fuel "withdrawn from bulk" the ultimate destination of which is outside the state of Alabama.

On page 12, remove all language appearing on line 21, and insert in lieu thereof the following language:
~~importer of~~ The owner of such motor fuel being delivered shall be

On page 13, delete all language appearing on lines 24, 25, 26, and 27, and in lieu thereof insert the following language: deposit in the trust fund immediately all underground and aboveground storage tank trust fund charge revenues collected by it.

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Butler, Cagle, Carns, Carothers, Carter, Collins, Cosby, Crow, Curry, Dolbare, Ford, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Venable, Warren, Williams and Willis.

-78

And the bill, H. 2, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Cagle, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Gaines, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Venable, Warren, White, Williams and Willis.

-83

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Gaston intended to vote "Yea" on passage of the bill, H. 2.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Turner, the rules were suspended in order to take up out of order the bill, H. 94.

And the bill:

H. 94. To amend Section 32-5-192 to provide that hearings provided for in this section by the director or his duly authorized agent shall be held in the county where the licensee was arrested unless the Director of Public Safety and the licensee agree that such hearing may be held in some other county, and to provide for judicial review of the director's action in the circuit court in the county in which the person was arrested.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 3.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bryant, Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Gaines, Gaston, Gullatt, Hall, Hamilton, Haney, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Warren, Williams, Willis and Zoghby.

-71

Nay:

Representatives Barnes, Hawkins and Holley.

- 3

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Harper, the rules were suspended in order to take up out of order the bill, H. 81.

And the bill:

H. 81. To make a supplemental conditional appropriation from the State General Fund to the State Department of Veterans' Affairs for the fiscal year ending September 30, 1993 and to specify the purposes for which the funds may be used.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Blakeney, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Payne, Penry, Perdue, Petelos, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turner, Turnham, Warren, Williams, Willis and Zoghby.

-85

MOTION TO ADJOURN LOST

The motion offered by Representative Holmes that the House adjourn until 10:00 o'clock a.m., Friday, August 20, 1993, was lost.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Turnham, the rules were suspended in order to take up out of order the bill, H. 70.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 83. To amend Sections 40-16-1, 40-18-15, 40-18-21, 40-18-38, 40-18-71 and 40-18-82 of the Code of Alabama 1975 in order to reflect therein the allowance of personal and corporate income and financial institution excise tax deductions for certain contributions to the State Industrial Development Authority to help induce industrial and research facilities to locate in the State; to reflect

therein the allowance of certain corporate income tax credits to induce industrial and research facilities to locate in the State; and to reflect therein the allowance of certain personal income tax credits to offset the impact upon employees of industrial and research facilities of certain other incentives provided to induce such facilities to locate in the State.

TOMMY CARTER
Chairman

And the bill, H. 83, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 33. To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund in the amount of \$2,000,000 for the fiscal year ending September 30, 1993, to the Alabama Commission on Higher Education which sum shall be allocated to the Eminent Scholars Program.

TOMMY CARTER
Chairman

And the bill, H. 33, as engrossed, was ordered sent to the Senate.

MOTION TO ADJOURN LOST

The motion offered by Representative Dolbare that the House adjourn until 10:00 o'clock a.m., Friday, August 20, 1993, was lost.

Yeas 27; Nays 46.

Yea:

Representatives Barnes, Biddle, Buskey, Carns, Cullins, Dolbare, Hall, Hammett, Hawkins, Holladay, Holley, Holmes, Knight (J), Laird, Layson, McKee, Morrow, Page, Parker (P), Payne, Rogers (J), Sanderson, Spratt, Venable, Walker, Williams and Willis.

Nay:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Bryant, Butler, Carothers, Carter, Collins, Crow, Curry, Ford, Gaines, Gaston, Goodwin, Gullatt, Haney, Harper, Higginbotham, Hill, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Lindsey, Mathis, McDaniel, McMillan, Millican, Morton, Newton (C), Penry, Petelos, Powell, Rich, Richardson, Rockhold, Sanderford, Smith (C), Smith (R), Thomas, Turnham, Warren and Zoghby.

-46

MOTION TO ADJOURN LOST

The motion offered by Representative Sanderson that the House adjourn until 10:00 o'clock a.m., Friday, August 20, 1993, was lost.

Yeas 34; Nays 44.

Yea:

Representatives Barnes, Biddle, Carns, Clay, Collins, Cullins, Curry, Dolbare, Gaines, Hall, Hamilton, Hammett, Hawkins, Hill, Holladay, Holley, Holmes, Knight (A), Knight (J), Laird, Letson, McKee, McMillan, Morrow, Morton, Newton (C), Parker (T), Payne, Penry, Rogers (F), Sanderson, Turner, Walker and Williams.

-34

Nay:

Representatives Beasley, Black (L), Black (M), Blakeney, Bowling, Bryant, Butler, Carothers, Crow, Flowers, Freeman, Gaston, Goodwin, Gullatt, Haney, Harper, Higginbotham, Hogan, Hooper, Johnson, Kennedy, Kvalheim, Lindsey, Mathis, McClain, McDaniel, McDowell, Mikell, Page, Parker (P), Perdue, Petelos, Powell, Richardson, Rockhold, Smith (C), Smith (R), Starkey, Thomas, Turnham, Warren, White, Willis and Zoghby.

-44

H. 70 TAKEN UP

And the bill:

H. 70. To establish a program to provide early intervention services for infants and toddlers with disabilities and their families.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 6.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Bryant, Buskey, Butler, Cagle, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Flowers, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson, Kennedy, Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turnham, Walker, Warren, Willis and Zoghby.

-70

Nay:

Representatives Carns, Curry, Dolbare, Holley, Laird and Williams.

- 6

And the bill:

H. 8. Prescribing additional standards and restrictions for governing boards of educational institutions and funds to use for guidance in investing and managing educational trust funds and providing for the releasing of restrictions on the use of certain funds or the selection of investments for certain funds through donor acquiescence or court action.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Bryant, Buskey, Butler, Cagle, Carns, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDaniel, McDowell, McMillan, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Walker, Warren, Williams, Willis and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Butler, the rules were suspended in order to take up out of order the bill, H. 82.

And the bill:

H. 82. To create the Infected Health Care Worker Management Act; to require reporting of an infected health care worker to the State Health Officer; to require an infected health care worker to submit to review by an expert review panel; to authorize the State Health Officer to undertake a review of the practice of an infected health care worker to determine if invasive procedures are performed by the worker; to authorize the creation of expert review panels and provide for their composition and duties; to authorize the State Health Officer to issue restrictions on the practice of the infected health care worker; to provide an appeal process; to authorize the monitoring of the practice of the infected health care worker and to require reporting of violations to the State Health Officer; to provide grounds for revocation, suspension, or restriction of infected health care workers licensed by licensing boards; to require infected health care workers and third parties with records or information to provide records or other information and to cooperate with an investigation; to provide immunity from civil and criminal liability for individuals, agencies, experts, and committees involved in the investigation of an infected health care worker; to create confidentiality standards and to provide for uses of the information gained during an investigation; to authorize promulgation of rules for administration of this act; to enable the State Board of Health to file suit in circuit court to compel compliance; and to provide penalties for violation of this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yea:

Representatives Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Gaston, Gullatt, Hall, Hamilton, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Walker, Warren, Williams, Willis and Zoghby.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Lindsey, the rules were suspended in order to take up out of order the bill, H. 55.

And the bill:

H. 55. To define disparagement of perishable products or commodities; to provide a cause of action; to provide for recovery; to provide for limitations of actions and civil procedure; and to provide for cumulative effect.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 2.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Bryant, Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Curry, Dolbare, Flowers, Freeman, Gaston, Gullatt, Hall, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Smith (C), Smith (R), Thomas, Turnham, Williams, Willis and Zoghby.

-66

Nay:

Representatives McDowell and McKee.

- 2

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Millican, the rules were suspended in order to take up out of order the bill, H. 10.

And the bill:

H. 10. (With Amendment): To prohibit any person from possessing, without authority, any state, county, or municipal traffic sign; and to provide penalties; to make this act supplemental to any other law not in conflict.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Commerce, Transportation and Utilities, said committee amendment being as follows:

Amend House Bill No. 10, on Page 2, Line 12, by striking Section 3 in its entirety and inserting in lieu thereof the following:

Section 3. A person who violates the provisions of this Act shall be fined not more than fifty dollars.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Bryant, Buskey, Butler, Cagle, Carns, Carothers, Clay, Collins, Crow, Curry, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Haney, Harper, Hawkins, Higginbotham, Hill, Hogan, Holladay, Hooper, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turnham, Walker, Warren, Williams, Willis and Zoghby.

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And the bill, H. 10, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Bryant, Buskey, Butler, Cagle, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Gaines, Gaston, Gullatt, Hall, Haney, Harper, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turnham, Walker, Warren, Williams, Willis and Zoghby.

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ADJOURNMENT

On motion of Representative Sanderson, the House adjourned until 10:00 o'clock a.m., Friday, August 20, 1992.

FIFTH DAY

**House of Representatives
Montgomery, Alabama
Friday, August 20, 1993**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative Jeff Dolbare.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Frank Long and William Ashley, 5th grade, St James School, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the fourth legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the fourth legislative day was approved.

LEAVES OF ABSENCE

At the request of Representative Anderson, leave of absence was granted for Representative Morrow.

Also:

At the request of Representative Mikell, leave of absence was granted for Representative Powell.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 36. To amend the Alabama Special Educational Trust Fund appropriation bill, Act 93-772 of the 1993 Regular Session which makes appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1994, in the following manner: (1) to provide for a supplemental appropriation to Troy State University; (2) to remove language under the appropriation to the University of South Alabama; (3) to provide for a supplemental appropriation to Auburn University; (4) to provide for a supplemental appropriation to Gadsden State Community College; (5) to provide for a supplemental appropriation to Livingston

University; (6) to provide for a supplemental appropriation to Alabama State University; (7) to provide for a supplemental appropriation to the Department of Mental Health and Mental Retardation; and (8) to provide for a supplemental appropriation to the Technical College System.

TOMMY CARTER
Chairman

And the bill, H. 36, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 35. To amend the General Fund appropriation bill, Act 93-771 of the 1993 Regular Session which makes appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994, in the following manner: (1) to provide for a supplemental appropriation to the Alabama Department of Economic and Community Affairs; (2) to amend language and to provide for a supplemental appropriation to the Alabama Forestry Commission from the Alabama Forestry Commission Fund; (3) to transfer funds between programs under the Farmers' Market Authority; (4) to provide for a supplemental appropriation to the Historic Blakeley Authority; (5) to provide for a supplemental appropriation to the Legislative Fiscal Office; (6) to provide for a supplemental appropriation to the Alabama Public Service Commission from the Public Service Commission Fund; (7) to provide for a supplemental appropriation to the State Auditor; (8) to provide for a supplemental appropriation to the Alabama Development Office; (9) to provide for a supplemental appropriation to the District Attorneys; (10) to provide for a supplemental appropriation to the Department of Corrections from the Department of Corrections Special Revenue Fund; and (11) to provide for an appropriation to the Home Builders Licensure Board; (12) to provide a conditional appropriation to Choctawhatchee-Pea Rivers Watershed Management Authority.

TOMMY CARTER
Chairman

And the bill, H. 35, as engrossed, was ordered sent to the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Representative Carter:

H.R. 83. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Friday, August 20, 1993, we adjourn to meet again on Monday, August 23, 1993, at 12:00 Noon.

On motion of Representative Carter, the rules were suspended and the resolution, H.R. 83, was adopted.

Also:

By Representative Carter:

H.J.R. 84. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Friday, August 20, 1993, they adjourn to meet again on Monday, August 23, 1993.

On motion of Representative Carter, the rules were suspended and the resolution, H.J.R. 84, was adopted.

MOTION TO RECESS ADOPTED

The motion offered by Representative Freeman that the House recess from 12:00 o'clock Noon until 2:00 o'clock p.m. was adopted.

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 32. (With Amendment): Relating to the State Ethics Law; defining certain terms; conforming certain provisions to those terms; making technical nonsubstantive changes; increasing the membership of the commission and providing for the method of filling vacancies; providing for the promulgation of rules and regulations; requiring the recording of proceedings and the preservation of the records; specifying the procedure for the issuance of advisory opinions;

requiring that investigative matters remain confidential and providing penalties for violations; providing a procedure for processing a complaint, and for offering the respondent a right to participate; providing a procedure for conducting an investigation and a hearing; providing a procedure for the subpoena of evidence; revising the statement of economic interests; specifying the procedure to be used to remove a candidate from the ballot; requiring lobbyists and principals to file additional information; prohibiting public officials and public employees from soliciting a thing of value or certain costs and prohibiting a lobbyist from satisfying such a solicitation; to prevent certain former public officials and public employees from lobbying and contracting with public agencies for a certain period of time after their public service; to provide certain employment protection and civil remedies to persons filing a complaint; creating the crime of wanton false reporting of a complaint and false reporting of a complaint and prescribing criminal penalties; permitting the recovery of attorney fees in a civil action; and amending Sections 36-25-1 to 36-25-30, inclusive, Code of Alabama 1975.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 33. To create a new circuit judgeship in the Sixth Judicial Circuit.

S. 90. To amend and reenact Act No. 93-479, H. 335 of the 1993 Regular Session, which act provides a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems, for the funding of the increase, and that no person shall be entitled to receive the increase in benefits granted in the act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits, to provide for the adjustment of the survivor allowance of those eligible retirees that selected a monthly survivor allowance payable at death to designated beneficiaries.

H. 53. To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to non-participating employers eligible for participation in the system.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

**H.J.R. 81. COMMENDING THE LEADERSHIP AND STAFF OF THE
SOUTHERN LEGISLATIVE CONFERENCE.****McDOWELL LEE**
Secretary**MESSAGE FROM THE SENATE****Mr. Speaker:**

The Senate has passed the following House Bills and returns same herewith to the House:

H. 68. Relating to Blount County; providing for the distribution of certain funds by the Board of Directors of Blount Memorial.

Also:

H. 71. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of McKenzie in Butler County.

Also:

H. 72. Relating to Limestone County; authorizing the Limestone County Commission to regulate advertisement signs on the right-of-way of the county; to provide penalties for violations; and to provide that any municipality in Limestone County may regulate advertisement signs along streets and roads in the municipality.

McDOWELL LEE
Secretary**MESSAGE FROM THE SENATE****Mr. Speaker:**

The Senate has passed the following House Bills and returns same herewith to the House:

H. 11. Relating to the City of Tuskegee, to amend Sections 4, 5, and 6 of Act No. 79-231, H. 660, 1979 Regular Session (Acts 1979, p. 356), to revise the procedure for abating a nuisance; to require the city to post and maintain an account of the cost of abating the nuisance on the property where the work is done, submit an itemized report to the city council, and post notice of the report at city hall; and to provide that the assessment of costs for demolishing buildings and structures by the city shall constitute a lien on the property to be charged with the collection of taxes or assessments.

Also:

H. 12. Relating to Clarke County; providing that all expense allowances now provided to the Sheriff of Clarke County shall become salary commencing with the next term of office.

Also:

H. 13. Relating to Washington County, to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products.

Also:

H. 22. Relating to the Twenty-ninth Judicial Circuit of Alabama by authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 42. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Leesburg in Cherokee County.

Also:

H. 51. Relating to Lamar County; authorizing the county commission to maintain driveways for schools, churches, and church-owned cemeteries, and school bus turnarounds located within the county.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bolling:

S.J.R. 21. COMMENDING THE RUSSELLVILLE HIGH SCHOOL DRAMA DEPARTMENT FOR OUTSTANDING PERFORMANCE AND ACHIEVEMENT.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Carter, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 21, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Dial, Owens, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dixon, Ells, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom:

S.J.R. 22. COMMENDING SENATOR RYAN deGRAFFENRIED OF TUSCALOOSA.

WHEREAS, in extending our heartiest congratulations to Ryan deGraffenried, we further express our great personal pride in his selection as the recipient of the National Retail Federation (NRF) Legislator of the Year Award; and

WHEREAS, this outstanding industry honor, bestowed by NRF on behalf of the nation's retailers, recognized our colleague for his years of leadership and support of free enterprise, citing his impressive legislative record--as a State Senator, as President Pro Tempore, and currently as Presiding Officer of the Senate--in support and furtherance of the retail industry and business in general; and

WHEREAS, in addition to his sponsorship and subsequent passage of significant legislation to the benefit of the business community, Ryan deGraffenried has diligently supported legislation on behalf of the mentally ill and mentally retarded, Alabama's senior citizens, and the state's youth, as well as legislation in other such areas as conservation and the environment; and

WHEREAS, Ryan deGraffenried, a practicing attorney in his native Tuscaloosa and a successful businessman, is a member of one of Alabama's most prominent political families, and as a lifelong conservative Democrat, whose ancestry includes a U. S. Congressman, gubernatorial candidate and an Alabama Supreme Court Justice, he has continued a family tradition of public service that is sensitive to the needs of those who are unable to help themselves while, at the same time, recognizing the necessity for fiscal responsibility; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend our friend and colleague, Ryan deGraffenried of Tuscaloosa, whom we hold in warmest personal regard, and to whom a copy of this resolution shall be presented.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Carter, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 22, set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Sanders:

S.J.R. 23. DESIGNATING SEPTEMBER AS PERSONAL HEALTH MONTH IN SENATE DISTRICT 23 WHICH INCLUDES CHOCTAW, DALLAS, GREENE, HALE, LOWNDES, PERRY, SUMTER, AND WILCOX COUNTIES.

Also:

By Senator Sanders:

S.J.R. 24. DESIGNATING OCTOBER AS ANTI-VIOLENCE MONTH IN SENATE DISTRICT 23 WHICH INCLUDES CHOCTAW, DALLAS, GREENE, HALE, LOWNDES, PERRY, SUMTER, AND WILCOX COUNTIES.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Black (L), the rules were suspended, and the House concurred in and adopted the resolutions, S.J.R. 23 and S.J.R. 24, the titles of which are set out in the foregoing Message from the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Carter, the rules were suspended in order to take up uncontested local bills on the Calendar.

BILLS ON THIRD READING

H. 89 TEMPORARILY CARRIED OVER

On motion of Representative Laird, the bill, H. 89, was temporarily carried over.

S. 3 INDEFINITELY POSTPONED

On motion of Representative Flowers, the bill, S. 3, was indefinitely postponed.

S. 9 TAKEN UP

And the bill:

S. 9. Relating to Lamar County; authorizing the county commission to maintain driveways for schools, churches, and church-owned cemeteries, and school bus turnarounds located within the county.

was read a third time at length and passed.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Butler, Carns, Carothers, Clark (W), Collins, Crow, Cullins, Freeman, Gaston, Gullatt, Hall, Hamilton, Haney, Harper, Hawkins, Haynes, Hill, Hilliard, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Mathis, McClain, McMillan, Millican, Morrow, Payne, Penry, Perdue, Rockhold, Rogers (J), Smith (C), Smith (R), Spratt, Turner and Zoghby.

-46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

S. 30 TEMPORARILY CARRIED OVER

On motion of Representative Laird, the bill, S. 30, was temporarily carried over.

S. 31 TAKEN UP

And the bill:

S. 31. To amend Section 2 of Act No. 92-472, S. 615, 1992 Regular Session (Acts 1992 p. 943), to provide an expense allowance for the Tax Assessor of Perry County.

was read a third time at length and passed.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Blakeney, Box, Bryant, Buskey, Butler, Carns, Carothers, Clark (W), Collins, Cullins, Curry, Freeman, Hall, Hamilton, Hammett, Harper, Hawkins, Haynes, Hill, Hilliard, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Mathis, McClain, Millican, Morrow, Morton, Newton (D), Parker (P), Perdue, Poole, Rogers (F), Smith (C), Spratt, Turner, Warren and Zoghby.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 8. (With Amendment): To alter, rearrange, and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory to the City, to-wit: as described herein, the Mobile Municipal Airport and certain areas surrounding the same; to provide for certain city ad valorem tax exemptions; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

was taken up.

The question was then on the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend S. 8 on Page 6, beginning on line 18, by striking Section 7 in its entirety and renumbering the remaining sections accordingly.

AMENDMENT TABLED

On motion of Representative Zoghby, the amendment offered by the Standing Committee on Local Legislation No. 3 to the bill, S. 8, was tabled.

Yeas 5; Nays 4.

Yea:

Representatives Buskey, Clark (W), Kennedy, Turner and Zoghby.

- 5

Nay:

Representatives Box, Gaston, Harper and Kvalheim.

- 4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

S. 8 CONTESTED

Representative Kvalheim lodged a contest relating to the bill, S. 8.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Buskey, the rules were suspended in order to take up out of order the bill, S. 8.

Yeas 6; Nays 1.

Yea:

Representatives Buskey, Clark (W), Gaston, Kennedy, Turner and Zoghby.

- 6

Nay:

Representative Kvalheim.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 8, was read a third time at length and passed.

Yeas 7; Nays 2.

Yea:

Representatives Buskey, Clark (W), Gaston, Harper, Kennedy, Kvalheim and Zoghby.

- 7

Nay:

Representatives Box and Turner.

- 2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Zoghby offered the motion to reconsider the vote by which the bill, S. 8, was passed, and the motion to reconsider was adopted.

And the bill, S. 8, was again read a third time at length and passed.

Yeas 6; Nays 3.

Yea:

Representatives Buskey, Clark (W), Gaston, Kennedy, Kvalheim and Zoghby.

- 6

Nay:

Representatives Box, Harper and Turner.

- 3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 4. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Dauphin Island in Mobile County.

was read a third time at length and passed.

Yeas 11; Nays 0.

Yea:

Representatives Buskey, Clark (W), Gaston, Harper, Hill, Kennedy, Knight (A), Kvalheim, Rockhold, Turner and Zoghby.

-11

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Representative Buskey offered the motion to reconsider the vote by which the bill, S. 4, was passed, and on motion of Representative Buskey, the motion offered by him to reconsider the bill was tabled.

MOTION TO RECESS LOST

The motion offered by Representative Freeman that the House recess until the call of the Chair, was lost.

Yeas 21; Nays 24.

Yea:

Mr. Speaker, Barnes, Buskey, Carter, Collins, Cosby, Dolbare, Hall, Harper, Hawkins, Hilliard, Holley, Kennedy, Layson, McMillan, Morrow, Page, Rockhold, Spratt, Starkey and Turner.

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Nay:

Representatives Blakeney, Box, Bryant, Carns, Carothers, Cullins, Gaston, Gullatt, Haney, Haynes, Hill, Johnson, Knight (A), Kvalheim, Mathis, McClain, Mikell, Newton (C), Payne, Rogers (F), Rogers (J), Smith (C), Smith (R) and Turnham.

-24

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 32 TEMPORARILY CARRIED OVER

On motion of Representative Carothers, the bill, H. 32, and the pending substitute reported by the Standing Committee on Ways and Means, were temporarily carried over.

H. 31 TEMPORARILY CARRIED OVER

On motion of Representative Carothers, the bill, H. 31, was temporarily carried over.

H. 69 TAKEN UP

And the bill:

H. 69. Relating to credits against state income tax liability; to provide a credit to employers who provide approved basic skills education programs to its employees beginning with the 1993 tax year.

was taken up.

AMENDMENT OFFERED

Representative Holley offered the following amendment to the bill, H. 69:

To amend H. 69 on page 3 by adding after the "period," on line 15, the following:

"The Department of Education shall include in its rules and regulations a means to determine and set for each individual the maximum number of months that said individual may be eligible for the education program provided herein."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Blakeney, Bryant, Butler, Cagle, Carns, Carter, Collins, Crow, Cullins, Dolbare, Flowers, Gaston, Hamilton, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holley, Johnson, Knight (J), Kvalheim, Laird, Letson, McClain, McDaniell, McDowell, McKee, McMillan, Millican, Morton, Newton (D), Parker (P), Payne, Penry, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Turnham and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 69, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Blakeney, Bryant, Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Gaines, Gaston, Hall, Hamilton, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holmes, Johnson, Knight (J), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniell, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Penry, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Turner, Turnham, Walker, Warren and Zoghby.

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And the bill:

H. 32. (With Substitute): To amend Section 32-6-150, Code of Alabama 1975, relating to the issuance and sale of personalized license tags for motor vehicles, to authorize the issuance and sale of the tags for motorcycles.

which was previously temporarily carried over was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 32-6-150, Code of Alabama 1975, relating to the issuance and sale of personalized license tags for motor vehicles, to authorize the issuance and sale of the tags for motorcycles.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-6-150, Code of Alabama 1975, is amended to read as follows:

"§32-6-150.

"(a) Owners of motor vehicles, motorcycles, and motor-driven cycles who are residents of Alabama, upon application to the ~~probate judge~~ of probate or commissioner of licenses complying with the state motor vehicle laws relating to registration and licensing of motor vehicles and payment of the regular license fee for tags or plates as provided by law for private passenger, ~~or~~ pleasure motor vehicles, motorcycles, or motor-driven cycles and, except as provided in subsection (b), the payment of an additional annual fee of \$50.00, shall be issued personalized license tags or plates upon which, in lieu of the numbers prescribed by law, shall be inscribed ~~such~~ special letters, figures, numbers or other marks, emblems, symbols or badges of distinction or personal prestige or combination thereof as are approved for and assigned to the application by the state Department of Revenue.

"(b) Except for license tags or plates for motorcycles or motor-driven cycles, ~~The the~~ special marks or badges of distinction shall include distinctive commemorative tags, assigned by the Department of Revenue for each of those public and private four-year colleges or universities and Athens College participating in ~~such~~ the commemorative tag program and distinctive, commemorative tags, assigned by the Department of Revenue for the Atomic Veterans NUKED Tag Program for veterans of the U.S. armed forces exposed to dangerous levels of

radiation due to atomic bomb and weapons testing from 1946 to 1962, the Veteran Tag Program for Vietnam veterans, Korean War veterans, World War II veterans, veterans of the Battle of the Bulge, veterans awarded the Purple Heart for being wounded in action, and veterans of Desert Shield/Desert Storm and the Environmental Commemorative Tag Program. The commemorative tags shall be issued, printed, and processed in the same manner as other personalized tags are in this chapter. The fee for such commemorative tags shall be the amount provided in subsection (a), ~~herein~~, except for the Atomic Veterans NUKED commemorative tags and the veteran commemorative tags which fee shall be an annual additional fee of \$15.00 payable to the Department of Revenue to cover the costs of production and issuance of the tags. ~~Such~~ The commemorative tags shall be valid for five years and shall be replaced at the end of the period with conventional tags or other personalized tags. Payment of the required motor vehicle license fees and taxes for the years during which a new vehicle license plate is not issued shall be evidenced as provided for in Section 32-6-63. The board of trustees of the respective colleges and universities shall design, or have designed, the commemorative tag subject to approval by the Commissioner of Revenue and compliance with all laws and regulations. The Vietnam Veterans of America (VVA), Alabama State Council for Vietnam veteran commemorative tags, the Department of Veteran Affairs for other Atomic Veterans NUKED commemorative tags and for veteran commemorative tags, and the Department of Environmental Management for environmental commemorative tags shall each respectively design, or have designed the personalized veteran tags and the environmental commemorative tag or plate, subject to approval of the Commissioner of Revenue and compliance with all laws and regulations except that Section 32-6-54 shall not apply to personalized environmental commemorative tags or plates. Any applicant for a Vietnam veteran commemorative tag shall be a Vietnam era veteran and the Vietnam Veterans of America (VVA), Alabama State Council, shall certify all Vietnam veterans eligible for a Vietnam veteran commemorative tag. An applicant for an Atomic Veterans NUKED or for any other veteran tag shall be a veteran of the appropriate conflict or otherwise qualify for a veteran tag and the Department of Veterans Affairs shall certify that the veteran is eligible for the appropriate veteran commemorative tag.

"(c) The Troy State University commemorative tags issued January 1, 1987, through October 31, 1987, shall continue to be valid without payment of the additional fee provided in this section until the expiration date in the year 1992, or until otherwise becoming invalid or expired provided the regular annual license fees continue to be paid each year.

"(d) Each college or university desiring a commemorative tag shall pay to the Department of Revenue ~~such a~~ sum as the commissioner may require to cover the cost of production of the tags requested by ~~such~~ the college or university before ~~any~~ ~~such~~ production occurs.

"(e) The Department of Environmental Management shall pay to the Department of Revenue the sum the commissioner may require to cover the costs of production of the personalized environmental commemorative tags before production occurs."

Section 2. This act shall become effective 60 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Blakeney, Bryant, Buskey, Cagle, Carns, Carothers, Carter, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Gaines, Gaston, Hall, Haney, Harper, Hawkins, Haynes, Hill, Hilliard, Hogan, Holmes, Johnson, Kennedy, Knight (J), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, McMillan, Millican, Morton, Newton (C), Newton (D), Parker (P), Payne, Penry, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Turner, Walker and Zoghby.

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And the bill, H. 32, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Blakeney, Bryant, Buskey, Cagle, Carns, Carothers, Carter, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Gaines, Gaston, Hall, Haney, Harper, Hawkins, Haynes, Hill, Hilliard, Hogan, Holmes, Johnson, Kennedy, Knight (J), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Millican, Morton, Newton (D), Parker (P), Payne, Penry, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Turner, Turnham and Zoghby.

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CO-SPONSORS ADDED

Representatives Biddle, Blakeney, Bryant, Cagle, Carns, Carter, Clark (J), Collins, Crow, Cullins, Curry, Gaines, Gaston, Hawkins, Hill, Hilliard, Hogan, Knight (A), Kvalheim, Letson, McClain, Millican, Morton, Payne, Richardson, Rockhold, Rogers (F), Rogers (J), Smith (C), Spratt and Zoghby were added as co-sponsors to the bill, H. 32.

H. 31 TAKEN UP

And the bill:

H. 31. To amend Section 12-17-142, Code of Alabama 1975, to provide for surviving spouse benefits, paid from the clerks' and registers' supernumerary fund, for certain supernumerary clerks and registers.

which was previously temporarily carried over was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 8.

Yea:

Mr. Speaker, Beasley, Biddle, Blakeney, Bryant, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Haney, Harper, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Mathis, McClain, Millican, Morton, Newton (D), Payne, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Spratt, Thomas, Turnham, Walker, Warren and Zoghby.

-58

Nay:

Representatives Hawkins, Holley, McKee, Newton (C), Parker (P), Penry, Smith (R) and Turner.

- 8

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 43. Relating to Macon County; creating a Macon County Economic Development Authority and providing for the composition, terms, duties, functions, powers, and personnel of the authority.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Clay, the House concurred in and adopted the Senate amendment to the bill, H. 43, said Senate amendment being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Macon County; creating a Macon County Economic Development Authority; and providing for the composition, terms, duties, functions, powers, and personnel of the authority.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In Macon County, there is created the Macon County Economic Development Authority to aid and assist current industries and coordinate efforts of all municipal and county agencies of Macon County, and to aid organizations in the development of new industries which will provide job opportunities for the citizens of the county.

Section 2. The authority shall be governed by a board of directors consisting of five members to be appointed as follows: one member appointed by the Macon County Commission; one member appointed by the State Representative of the House of Representatives who represents Macon County; one member appointed by the State Senator who represents Macon County; one member appointed by the governing body of the City of Tuskegee; and one member appointed by the Board of Directors of Tuskegee University. The initial terms of the directors shall be staggered. Two members, the one appointed by the member of the House of Representatives representing Macon County and the one appointed by the member of the Alabama Senate representing Macon County, shall serve for initial terms of two years and the three remaining members shall serve for initial terms of one year each. Thereafter, all members shall serve for a term of two years. All members shall serve until their successors are appointed and qualified and no member shall serve for more than two consecutive two-year terms. Upon a vacancy, the successor shall be appointed in the same manner and by the same method as the member whose place is being filled.

Within 30 days after the effective date of this act, the appointing authorities shall submit the names and addresses of the members of the board to the judge of probate and the appointments shall be filed and maintained in the office of the judge of probate. The members shall elect from among themselves a president, vice-president, secretary, and treasurer. Each officer shall serve for a period of one year or until a successor is elected to serve. No officer shall be bonded, except the treasurer, who shall obtain bond as an official.

Ex officio nonvoting members of the board shall consist of: a representative from each incorporated municipality within Macon County; one member from each industrial development board; one member appointed by the Macon County Chamber of Commerce; one member from the Macon County Board of Education; and one member from the Veterans Hospital in Tuskegee, Alabama. The board shall meet at least once per month.

Section 3. The members of the board when traveling only outside of the county shall receive expenses incurred in the discharge of their duties which shall be the same as allowed by law for state employees. When attending board meetings, they shall be reimbursed for actual expenses incurred for mileage, meals, and lodging. No more than three meetings shall be held per month.

Section 4. The authority may employ a qualified executive director who shall have the responsibility of implementing policies and directives of the board of directors. The executive director shall meet or exceed the following:

(a) Attained a bachelor's degree in economic development, business administration, marketing, finance, economics, or public administration.

(b) Received a certification from the American Economic Development Council, Inc., that the person is a Certified Economic Developer or Certified Industrial Developer and is currently on their list of persons so certified.

The executive director shall serve at the pleasure of the board. The board shall set the annual salary of the executive director at an amount which does not exceed fifty thousand dollars (\$50,000). The board shall provide necessary office space and one secretary who shall receive a beginning annual salary in an amount not to exceed eleven thousand dollars (\$11,000) and which may not exceed annual increases of five hundred dollars (\$500). Notwithstanding the foregoing, the annual salary shall not exceed fifteen thousand dollars (\$15,000). The office of the authority is to be maintained in the county seat.

The appointed members of the board may employ consultants, only upon a unanimous vote of all members of the board at a board meeting attended by all members.

The authority may solicit and receive contributions from other governmental entities, corporations, partnerships, or individuals. The authority shall submit to audits by the Examiners of Public Accounts.

Section 5. The provisions of this act shall not be implemented until sufficient monies are available and appropriated to fund this act.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Blakeney, Box, Bryant, Butler, Carns, Carothers, Clay, Collins, Cullins, Curry, Dolbare, Flowers, Gaston, Gullatt, Harper, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Mathis, McClain, McDowell, McMillan, Millican, Payne, Penry, Poole, Rogers (F), Rogers (J), Smith (C), Spratt, Turner, Turnham, Walker, Warren and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 72. Relating to Limestone County; authorizing the Limestone County Commission to regulate advertisement signs on the right-of-way of the county; to provide penalties for violations; and to provide that any municipality in Limestone County may regulate advertisement signs along streets and roads in the municipality.

Also:

H. 71. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of McKenzie in Butler County.

Also:

H. 68. Relating to Blount County; providing for the distribution of certain funds by the Board of Directors of Blount Memorial.

Also:

H. 42. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Leesburg in Cherokee County.

Also:

H. 51. Relating to Lamar County; authorizing the county commission to maintain driveways for schools, churches, and church-owned cemeteries, and school bus turnarounds located within the county.

Also:

H. 11. Relating to the City of Tuskegee, to amend Sections 4, 5, and 6 of Act No. 79-231, H. 660, 1979 Regular Session (Acts 1979, p. 356), to revise the procedure for abating a nuisance; to require the city to post and maintain an account of the cost of abating the nuisance on the property where the work is done, submit an itemized report to the city council, and post notice of the report at city hall; and to provide that the assessment of costs for demolishing buildings and structures by the city shall constitute a lien on the property to be charged with the collection of taxes or assessments.

Also:

H. 12. Relating to Clarke County; providing that all expense allowances now provided to the Sheriff of Clarke County shall become salary commencing with the next term of office.

Also:

H. 13. Relating to Washington County, to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products.

Also:

H. 22. Relating to the Twenty-ninth Judicial Circuit of Alabama by authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

Also:

H.J.R. 81. COMMENDING THE LEADERSHIP AND STAFF OF THE SOUTHERN LEGISLATIVE CONFERENCE.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and the House Joint Resolution, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 7 TEMPORARILY CARRIED OVER

On motion of Representative Box, the bill, H. 7, was temporarily carried over.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Box to suspend the rules in order to take up out of order the the bill, H. 95, was lost.

Yeas 15; Nays 36.

Yea:

Representatives Barnes, Box, Buskey, Clark (W), Cullins, Dolbare, Fuller, Higginbotham, Holmes, Knight (J), Letson, McDowell, McMillan, Rockhold and Zoghby.

-15

Nay:

Mr. Speaker, Beasley, Butler, Cagle, Carns, Carothers, Carter, Collins, Curry, Flowers, Gaines, Gaston, Haney, Harper, Hawkins, Hill, Hilliard, Hogan, Hooper, Knight (A), Kvalheim, Mathis, McDaniel, McKee, Millican, Morton, Payne, Poole, Richardson, Sanderson, Smith (R), Spratt, Turner, Turnham, Walker and White.

-36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 45 TEMPORARILY CARRIED OVER

In the absence of the sponsor, the Speaker temporarily carried over the bill, H. 45.

CO-SPONSOR ADDED

Representative Harper was added as co-sponsor to the bill, H. 45.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 4. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Dauphin Island in Mobile County.

Also:

S. 9. Relating to Lamar County; authorizing the county commission to maintain driveways for schools, churches, and church-owned cemeteries, and school bus turnarounds located within the county.

Also:

S. 8. To alter, rearrange, and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory to the City, to-wit: as described herein, the Mobile Municipal Airport and certain areas surrounding the same; to provide for certain city ad valorem tax exemptions; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

Also:

S. 31. To amend Section 2 of Act No. 92-472, S. 615, 1992 Regular Session (Acts 1992 p. 943), to provide an expense allowance for the Tax Assessor of Perry County.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

MOTION TO CARRY OVER OFFERED

Representative Turner offered the motion to carry over the bill, H. 88, to the sixth legislative day.

MOTION TO TABLE LOST

The motion offered by Representative Curry to table the motion offered by Representative Turner to carry over the bill, H. 88, to the sixth legislative day was lost.

Yeas 20; Nays 35.

Yea:

Representatives Barnes, Box, Butler, Curry, Fuller, Gaines, Gaston, Gullatt, Kvalheim, McDowell, McKee, McMillan, Millican, Newton (C), Page, Parker (P), Petelos, Sanderson, Spratt and Zoghby.

-20

Nay:

Mr. Speaker, Biddle, Blakeney, Bryant, Carns, Clay, Crow, Cullins, Dolbare, Flowers, Hamilton, Haney, Hawkins, Hill, Hogan, Holley, Holmes, Kennedy, Knight (J), Laird, Layson, Letson, Mikell, Payne, Poole, Richardson, Rockhold, Smith (R), Thomas, Turner, Turnham, Walker, Warren, White and Williams.

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H. 88 CARRIED OVER

The question was then on the motion offered by Representative Turner to carry over the bill, H. 88, to the sixth legislative day, and the motion was adopted.

Yeas 38; Nays 8.

Yea:

Mr. Speaker, Biddle, Blakeney, Bryant, Carns, Collins, Crow, Cullins, Dolbare, Flowers, Hawkins, Hilliard, Hogan, Holley, Holmes, Johnson, Knight (J), Laird, Layson, Letson, McClain, McDowell, McMillan, Mikell, Millican, Page, Parker (P), Payne, Penry, Poole, Richardson, Rogers (J), Smith (C), Spratt, Turnham, Walker, White and Williams.

-38

Nay:

Representatives Barnes, Curry, Fuller, Gaines, Hill, Morton, Petelos and Sanderson.

- 8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 45 TAKEN UP

And the bill:

H. 45. Transferring certain sections of the Code of Alabama 1975, regarding the crime of child abuse, amending the Code of Alabama 1975 by adding Section 13A-6-26, repealing Sections 26-15-1, 26-15-2, 26-15-3, and 26-15-4, Code of Alabama 1975.

which was previously temporarily carried over was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Blakeney, Box, Bryant, Butler, Cagle, Carns, Carothers, Collins, Crow, Cullins, Curry, Dolbare, Fuller, Gaines, Gaston, Gullatt, Haney, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, Millican, Morton, Newton (C), Newton (D), Page, Parker (P), Payne, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Walker, Williams and Zoghby.

-60

And the bill:

H. 9. (With Substitute): Relating to child care and the licensing and regulation of child-care facilities by the Department of Human Resources; to amend Section 38-7-2 of the Code of Alabama 1975, to further provide for the definition of "child" and "child-care facilities" including "transitional living facilities"; and to authorize the Department of Human Resources to purchase and lease property for the operation of transitional living facilities.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to child care and the licensing and regulation of child-care facilities by the Department of Human Resources; to amend Section 38-7-2 of the Code of Alabama 1975, to further provide for the definition of "child" and "child-care facilities" including "transitional living facilities"; and to authorize the Department of Human Resources to purchase and lease property for the operation of transitional living facilities.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 38-7-2, Code of Alabama 1975, is amended to read as follows:

"§ 38-7-2.

"Terms used in this chapter, unless the context otherwise requires, have the meanings ascribed to them in this section. When not inconsistent with the context, words used in the present tense include the future, words in the singular

number include the plural number, and words in the plural number include the singular number, and the word 'shall' is always mandatory and not merely directory:

"(1) CHILD. Any person under 19 years of age, a person under the continuing jurisdiction of the juvenile court pursuant to Section 12-15-32, or a person under 21 years of age in foster care as defined by the Department of Human Resources.

"(5) (2) CHILD-CARE INSTITUTION or INSTITUTION FOR CHILD CARE. A child-care facility where more than 10 children are received and maintained for the purpose of providing them with care or training or both, or transitional living program services, but does not include:

"a. Any institution for child care which is under the ownership or control, or both, of the state of Alabama, or which is operated or certified or licensed by another agency or department of the state of Alabama;

"b. Any juvenile detention home established and operated by the state of Alabama;

"c. Any bona fide boarding school in which children are primarily taught branches of education corresponding to those taught in public schools, grades 1 through 12, or taught in public elementary schools, high schools or both elementary and high schools.

"(7) (3) CHILD-PLACING AGENCY. A public or private child-care facility which receives ~~any child or children for the purpose of placing or arranging,~~ places, or arranges for the placement of the any child or children in adoptive or foster family homes or other facilities for child care apart from the custody of the child's or children's parents. The term 'child-placing agency' includes, but is not limited to, all agencies established and maintained by a municipality or other political subdivision of the state of Alabama to protect, guard, train or care for children outside their own homes, but does not include any circuit court or juvenile court or any duly appointed juvenile probation officer or youth counselor of the court who receives and places children under an order of the court.

"(8) (4) DAY CARE CENTER. Any child-care facility receiving more than 12 children for daytime care during all or part of a day. The term 'day care center' includes, but is not limited to, facilities commonly called 'child-care centers,' 'day nurseries,' 'nursery schools,' 'kindergartens,' and 'play groups,' with or without stated educational purposes. ~~Such~~ The term further includes, but is not limited to, kindergarten or nursery schools or other daytime programs operated as a part of a private school and receiving more than 12 children younger than lawful school age for daytime care for more than four hours a day, with or without stated educational purposes. The term does not include any of the following:

"a. Kindergartens or nursery schools or other daytime programs operated by public elementary systems or secondary level school units or institutions of higher learning;

"b. Kindergartens or nursery schools or other daytime programs, with or without stated educational purposes, operating no more than four hours a day and receiving children younger than lawful school age;

"c. Kindergartens or nursery schools or other daytime programs operated as a part of a private school and receiving children younger than lawful school age for four hours a day or less, with or without stated educational purposes;

"d. Facilities operated for more than four hours a day in connection with a shopping center or service or other similar facility, where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; ~~provided, however, that such.~~ The facilities shall meet local and state fire and health requirements;

"e. Any type of day care center that is conducted on federal government premises; ~~or.~~

"f. Special activities programs for children of lawful school age including, but not limited to, athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations; ~~provided, however, that~~ provided local and state fire and health requirements are met.

"(11) (5) DAY CARE HOME. A child-care facility which is a family home and which receives not more than six children for care during the day.

"(2) (6) DEPARTMENT. The department of human resources of the state of Alabama.

"(4) (7) FACILITY FOR CHILD CARE or CHILD-CARE FACILITY. A facility established by any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody, in any facility as defined in this chapter, established and maintained for the care of children.

"(10) (8) FOSTER FAMILY HOME. A child-care facility in a residence of a family where the family receives a child or children, unrelated to said that family, for the purpose of providing family care or therapeutic family care and training, or transitional living program services on a full-time basis. The types of foster family homes are defined as follows:

"a. **BOARDING HOME.** A foster family home wherein the foster family receives a child or children and receives payment for their care; ~~provided, however, that the~~. The number of children so received shall not exceed six, unless said the children are of common parentage.

"b. **FREE HOME.** A foster home which does not receive payment for the care of a child or children and which may or may not receive the child or children for the purpose of adoption.

~~"(12)~~ (9) **GROUP DAY CARE HOME.** A child care facility which is a family home and which receives at least seven but no more than 12 children for care during part of the day where there are at least two adults present and supervising the activities.

~~"(9)~~ (10) **GROUP HOME.** A child-care facility where at least seven but not more than 10 children are received and maintained for the purpose of providing them with care or training or both, or transitional living program services.

~~"(6)~~ (11) **MATERNITY CENTER.** A facility in which any person, agency or corporation receives or cares for one or more minor pregnant girls, except that the term does not include hospitals.

~~"(13)~~ (12) **NIGHT CARE FACILITY.** A child-care facility which is a center or a family home receiving a child or children for care during the night. A 'night care facility' is further defined as follows:

"a. **NIGHTTIME CENTER.** A facility which is established to receive more than 12 children for nighttime care.

"b. **NIGHTTIME HOME.** A family home which receives no more than six children for nighttime care.

"c. **GROUP NIGHTTIME HOME.** A child care facility which is a family home which receives at least seven but no more than 12 children for nighttime care and where there are at least two adults present and supervising the activities.

~~"(3)~~ (13) **RELATED.** Any of the following relationships by blood, marriage or adoption: parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, halfbrother, halvesister, uncle or aunt, and their spouses.

(14) **TRANSITIONAL LIVING FACILITY.** A child-care facility or program that is designed to give opportunities to practice independent living skills to eligible persons at least 16 years of age and under 21 years of age in foster care in a variety of residential settings with varying degrees of care and supervision."

Section 2. The Department of Human Resources may contract for utility services, purchase real or personal property, or enter into lease agreements for

and may operate residences to be used as transitional living facilities to provide transitional living program services to an eligible child as defined in Section 38-7-2 of the Code of Alabama 1975.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 42; Nays 2.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Blakeney, Bryant, Cagle, Carothers, Crow, Cullins, Curry, Flowers, Gaines, Gaston, Haney, Hill, Hilliard, Johnson, Kennedy, Knight (A), Letson, Mathis, McClain, McDowell, Mikell, Millican, Morton, Page, Parker (P), Payne, Poole, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Turnham, Walker, Warren, Willis and Zoghby.

-42

Nay:

Representatives Carns and Hawkins.

- 2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 9, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 1.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Blakeney, Bowling, Bryant, Butler, Cagle, Carothers, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller,

Gaines, Gaston, Gullatt, Hall, Hamilton, Haney, Harper, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Letson, Mathis, McClain, McDowell, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Payne, Penry, Perdue, Poole, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representative Carns.

- 1

And the bill:

H. 26. To provide that a defendant who has been adjudged in a paternity proceeding to be the father of a child may, except in the case of adoption, reopen the case upon scientific evidence that the defendant is not the father of the child.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Blakeney, Box, Bryant, Buskey, Butler, Cagle, Carns, Carothers, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Haney, Harper, Hawkins, Hill, Hilliard, Hogan, Holladay, Holley, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDowell, McMillan, Mikell, Millican, Morton, Newton (C), Newton (D), Page, Parker (P), Payne, Penry, Perdue, Poole, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Walker, Warren, Williams, Willis and Zoghby.

-66

And the bill:

H. 24. To amend Sections 32-7-2, 32-7-8, 32-7-22, and 32-7-27, Code of Alabama 1975, and to repeal Section 32-7-39, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, to increase the proof of financial responsibility, to further provide for the time of suspension of a person's license or operating privilege or the security required, to increase the amount of minimum coverage of a motor vehicle liability policy, to increase the amount deposited with the State Treasurer, and to delete provisions relating to expenses for administering the Motor Vehicle Safety-Responsibility Act by the Department of Public Safety.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 2.

Yea:

Mr. Speaker, Beasley, Black (L), Blakeney, Box, Bryant, Buskey, Butler, Cagle, Carns, Carothers, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Haney, Harper, Hawkins, Hill, Hilliard, Hogan, Kennedy, Knight (A), Laird, Letson, McClain, McMillan, Mikell, Morton, Newton (D), Page, Parker (P), Penry, Perdue, Poole, Rockhold, Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Turnham, White and Zoghby.

-52

Nay:

Representatives Barnes and Payne.

- 2

H. 57 TEMPORARILY CARRIED OVER

In the absence of the sponsor, the Speaker temporarily carried over the bill, H. 57.

H. 74 TEMPORARILY CARRIED OVER

In the absence of the sponsor, the Speaker temporarily carried over the bill, H. 74.

RECESS

The hour of 12:00 o'clock p.m. having arrived and pursuant to the motion heretofore adopted, the House recessed until 2:00 o'clock p.m.

HOUSE RECONVENED

The hour of 2:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

H. 91 TAKEN UP

And the bill:

H. 91. To further amend Section 37-3-4, Code of Alabama 1975, amended by Act No. 93-752, H. 311 of the 1993 Regular Session, relating to certain exemptions from the Alabama Motor Carriers Act for certain motor carriers and others to allow certain motor carriers who transport passengers of certain nonprofit groups, organizations, societies, corporations, public institutions, or other organizations with tax exempt status by the federal government pursuant to 26 U.S.C.A. 501(c), to charge lesser rates or tariffs; to require certain filings with the Public Service Commission in the manner prescribed by the commission; and to provide for an effective date.

was taken up.

MOTION TO CARRY OVER TABLED

On motion of Representative Zoghby, the motion offered by Representative Turner to carry over the bill, H. 91, to the tenth legislative day, was tabled.

Yeas 34; Nays 5.

Yea:

Mr. Speaker, Biddle, Bryant, Buskey, Carns, Clark (W), Flowers, Freeman, Fuller, Gaines, Gaston, Haney, Hawkins, Higginbotham, Hill, Hilliard, Hooper, Knight (A), Kvalheim, Laird, Layson, McDowell, McMillan, Morton, Payne, Penry, Poole, Sanderson, Smith (C), Smith (R), Spratt, Turner, Williams and Zoghby.

-34

Nay:

Representatives Barnes, Harper, McClain, McKee and Walker.

- 5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 21. COMMENDING THE RUSSELLVILLE HIGH SCHOOL DRAMA DEPARTMENT FOR OUTSTANDING PERFORMANCE AND ACHIEVEMENT.

Also:

S.J.R. 22. COMMENDING SENATOR RYAN deGRAFFENRIED OF TUSCALOOSA.

Also:

S.J.R. 23. DESIGNATING SEPTEMBER AS PERSONAL HEALTH MONTH IN SENATE DISTRICT 23 WHICH INCLUDES CHOCTAW, DALLAS, GREENE, HALE, LOWNDES, PERRY, SUMTER, AND WILCOX COUNTIES.

Also:

S.J.R. 24. DESIGNATING OCTOBER AS ANTI-VIOLENCE MONTH IN SENATE DISTRICT 23 WHICH INCLUDES CHOCTAW, DALLAS, GREENE, HALE, LOWNDES, PERRY, SUMTER, AND WILCOX COUNTIES.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 6. To amend Section 1 of Act No. 90-394, H. 799 of the 1990 Regular Session (Acts 1990, p. 550), to provide further for the salary of the Sheriff of Dale County.

McDOWELL LEE
Secretary

H. 91 RESUMED

And the bill, H. 91, was read a third time at length and passed.

Yeas 51; Nays 2.

Yea:

Mr. Speaker, Biddle, Bryant, Buskey, Carns, Clark (W), Clay, Cosby, Cullins, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Haney, Harper, Hawkins, Higginbotham, Hill, Hilliard, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, McDowell, McKee, McMillan, Morton, Page, Parker (P), Payne, Penry, Poole, Rockhold, Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Turner, Turnham, Walker, Warren, Williams and Zoghby.

-51

Nay:

Representatives Barnes and McClain.

- 2

H. 1 TEMPORARILY CARRIED OVER

In the absence of the sponsor, the Speaker temporarily carried over the bill,
H. 1.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 43. Relating to Macon County; creating a Macon County Economic Development Authority; and providing for the composition, terms, duties, functions, powers, and personnel of the authority.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 6. To amend Section 1 of Act No. 90-394, H. 799 of the 1990 Regular Session (Acts 1990, p. 550), to provide further for the salary of the Sheriff of Dale County.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

H. 49. (With Substitute): To amend Section 13A-7-23.1, Code of Alabama 1975, as amended by Act No. 93-770, H. 367, 1993 Regular Session, to provide further for procedures for the lawful preservation, restoration, or relocation of any tomb, monument, structure, or human remains.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Commerce, Transportation and Utilities, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 13A-7-23.1, Code of Alabama 1975, as amended by Act No. 93-770, H. 367, 1993 Regular Session, to provide further for procedures for the lawful preservation, restoration, or relocation of any tomb, monument, structure, or human remains.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-7-23.1 of the code of Alabama 1975 as last amended, is amended to read as follows:

"§13A-7-23.1

"(a) Any person who willfully or maliciously injures, defaces, removes or destroys any tomb, monument, gravestone or other memorial of the dead, or any fence or any inclosure about any tomb, monument, gravestone or memorial, or who willfully and wrongfully destroys, removes, cuts, breaks or injures any tree, shrub, plant, flower, decoration, or other real or personal property within any cemetery or graveyard shall be guilty of a class A misdemeanor.

"(b) Any person who willfully or maliciously desecrates, injures, defaces, removes, or destroys any tomb, monument, structure, or container of human remains, and invades or mutilates the human corpse or remains shall be guilty of a class C felony and upon conviction the person shall be punished as provided by law. Any person who maliciously desecrates an American Indian place of burial or funerary objects on property not owned by the person shall be guilty of a ~~Class A misdemeanor~~ Class C felony and upon conviction the person shall be punished as provided by law.

c) The provisions of Sections 1(a) and 1(b) of this Act shall not apply to any person holding a permit issued by the Alabama Historical Commission pursuant to Section 1(d) of this Act.

(d) The Alabama Historical Commission to provide for the lawful preservation, investigation, restoration, or relocation of human burial remains, human skeletal remains, or funerary objects, shall promulgate rules and regulation for the issuance of a permit and may issue a permit to persons or companies who seek to restore, preserve or relocate human burial remains, human skeletal remains, funerary objects, or otherwise disturb, a place of burial.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Bryant, Buskey, Cagle, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Gaston, Hall, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Mathis, McDowell, McKee, McMillan, Millican, Morton, Newton (D), Parker (P), Payne, Penry, Perdue, Poole, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Turner, Walker, Warren, White, Williams and Zoghby.

-58

And the bill, H. 49, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Representatives Beasley, Biddle, Bryant, Buskey, Cagle, Carns, Carothers, Clay, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Gaines, Gaston, Hall, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McDowell, McKee, McMillan, Millican, Morton, Newton (D), Parker (P), Payne, Penry, Perdue, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Walker, Warren, White, Williams and Zoghby.

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CO-SPONSORS ADDED

Representatives Bryant, Clay, Curry, Dolbare, Haney, Hill, Hilliard, Hogan, Kennedy, Knight (A), McDaniel, McMillan, Morton, Penry, Poole, Richardson, Rogers (J), Sanderson, Smith (R), Spratt, Turner, Warren and Zoghby were added as co-sponsors to the bill, H. 49.

H. 62 TAKEN UP

And the bill:

H. 62. To amend Section 22-30B-2, Code of Alabama 1975, as amended by Act 92-658, H. 76, 1992 Second Special Session (1992 Second Special Session Acts, p. 32), relating to hazardous waste and hazardous substance disposal fees; to exempt from the payment of those fees any hazardous waste or

substances collected or removed by any governmental entity or agency or party performing those services pursuant to a contract with any governmental entity or agency, and any hazardous waste or substances collected or removed during any amnesty program authorized by the Alabama Department of Environmental Management.

was taken up.

AMENDMENT OFFERED

Representative Zoghby offered the following amendment to the bill, H. 62:

Amend House Bill 62, on Page 4, Line 12, as follows: By adding "Provided, however, nothing in this subsection (c) shall exempt the payment of fees levied on any hazardous waste or hazardous substances collected or removed from any site or location which is listed on the federal National Priorities List of Superfund sites."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Blakeney, Box, Bryant, Buskey, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Gaines, Gaston, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Mathis, McDaniel, McKee, McMillan, Millican, Morton, Page, Parker (P), Payne, Penry, Poole, Richardson, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Turner, Turnham, Walker, Williams and Zoghby.

-58

And the bill, H. 62, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 2.

Yea:

Mr. Speaker, Beasley, Biddle, Blakeney, Box, Bryant, Buskey, Carns, Carothers, Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Gaines, Gaston, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper,

Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Mathis, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morton, Page, Parker (P), Payne, Penry, Poole, Richardson, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Turnham, Walker, Williams and Zoghby.

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Nay:

Representatives Freeman and Turner.

- 2

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 37. To amend Sections 23-1-20 and 23-1-21, Code of Alabama 1975, to change the name of the State Highway Department to the Department of Transportation and change the title of the Highway Director, to the Director of Transportation.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Corbett, Horn, and Lindsey:

S. 29. To make a supplemental appropriation to the Chattahoochee Valley Community College from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1994.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 29. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Windom:

S. 46. Providing for the imposition of additional penalties on a person committing a crime and motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or disability.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 46. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Foshee:

S. 23. To make a supplemental appropriation from the Alabama Underground and Aboveground Storage Tank Trust Fund in the State Treasury to the Alabama Department of Environmental Management for the fiscal year ending September 30, 1994.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 23. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Escott-Russell:

S. 63. To amend Section 12-17-142, Code of Alabama 1975, to provide for surviving spouse benefits, paid from the clerks' and registers' supernumerary fund, for certain supernumerary clerks and registers.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 63. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Foshee:

S. 25. To amend Act 93-677, S. 422, 1993 Regular Session, regarding the commencement, notice, and the manner of conducting judicial public bail hearings, to provide further for an effective date for the act.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 25. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 22. To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, relating to the requirement that written educational policies of county and city boards of education be filed with the State Superintendent of Education.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 22. Education.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Little:

S. 78. To amend Section 22-14-5, Code of Alabama 1975, which provides for the members of the Radiation Advisory Board of Health, to include a veterinarian on the board.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 78. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Waggoner:

S. 73. Amending Section 16-11-3 of the Code of Alabama 1975, relating to members of city boards of education, specifying when members assume office.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 73. Education.

H. 76 CARRIED OVER

On motion of Representative Penry, the bill, H. 76, was carried over to the sixth legislative day.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:05 A.M. on August 20, 1993.

FIRST EXTRAORDINARY SESSION
5th Day

433

H.J.R. 46	H.J.R. 55
H.J.R. 47	H.J.R. 56
H.J.R. 48	H.J.R. 68
H.J.R. 49	H.J.R. 70
H.J.R. 50	H.J.R. 77
H.J.R. 51	H.J.R. 79
H.J.R. 53	

Delivered to the Governor at 11:30 A.M. on August 20, 1993.

H. 72	H. 11
H. 71	H. 12
H. 68	H. 13
H. 42	H. 22
H. 51	H.J.R. 81

Delivered to the Governor at 2:55 P.M. on August 20, 1993.

H. 43
H. 6

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Layson and pursuant to the resolution, H.R. 83, heretofore adopted, the House adjourned until 12:00 o'clock Noon, Monday, August 23, 1993.

Yeas 33; Nays 23.

Yea:

Representatives Black (L), Blakeney, Box, Bryant, Buskey, Clay, Collins, Curry, Dolbare, Flowers, Hammett, Hawkins, Higginbotham, Hilliard, Hogan, Holmes, Hooper, Johnson, Knight (J), Layson, McKee, Mikell, Morton, Newton (D), Perdue, Richardson, Rogers (F), Smith (R), Spratt, Turner, Turnham, Walker and Warren.

-33

Nay:

Representatives Beasley, Biddle, Carns, Carothers, Crow, Freeman, Gaines, Gaston, Hall, Harper, Kvalheim, Mathis, McMillan, Newton (C), Page, Parker (P), Payne, Penry, Poole, Rockhold, Sanderson, Smith (C) and Zoghby.

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SIXTH DAY

**House of Representatives
Montgomery, Alabama
Monday, August 23, 1993**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Gary Burton, Pintlala Baptist Church, Pintlala, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Kellie Duck, 10th Grade, Jeff Davis High School, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the fifth legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the fifth legislative day was approved.

LEAVE OF ABSENCE

At the request of Representative Haney, leave of absence was granted for Representative Sanderford.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 80. To authorize certain veterans and active reserve members of the United States Armed Forces to purchase a distinctive motor vehicle license tag; and for this purpose to amend Section 32-6-150, Code of Alabama 1975.

McDOWELL LEE
Secretary

BILLS ON SECOND READING

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 25. To amend Act 93-677, S. 422, 1993 Regular Session, regarding the commencement, notice, and the manner of conducting judicial public bail hearings, to provide further for an effective date for the act.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 78. To amend Section 22-14-5, Code of Alabama 1975, which provides for the members of the Radiation Advisory Board of Health, to include a veterinarian on the board.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 73. Amending Section 16-11-3 of the Code of Alabama 1975, relating to members of city boards of education, specifying when members assume office.

S. 22. To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, relating to the requirement that written educational policies of county and city boards of education be filed with the State Superintendent of Education.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 46. Providing for the imposition of additional penalties on a person committing a crime and motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or disability.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 29. To make a supplemental appropriation to the Chattahoochee Valley Community College from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1994.

S. 63. To amend Section 12-17-142, Code of Alabama 1975, to provide for surviving spouse benefits, paid from the clerks' and registers' supernumerary fund, for certain supernumerary clerks and registers.

REQUEST FOR INTRODUCTION OF RESOLUTIONS

At the request of Representative Freeman, leave of the House was granted for the Introduction of Resolutions later in the day.

RESOLUTIONS

The following resolutions were introduced:

By Representatives McMillan and Penry:

H.J.R. 85. COMMENDING CENTRAL BALDWIN'S BELLES FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature extends heartiest congratulations to the Central Baldwin Belles team as 1993 Dixie Belles World Series Champions; and

WHEREAS, Central Baldwin's Belles (age 13-15), expertly coached by Alton Black, Janie Black, and Charles Taylor, ably captured the Dixie Belles World Series Crown at the recent World Series tournament held in West Monroe, Louisiana; and

WHEREAS, in becoming their county's first team ever to win the World Series, the fast-pitch Central Baldwin Belles claimed the coveted crown when they defeated Tennessee 9-2 in the opener, followed by a 6-3 win over Texas in the championship game; and

WHEREAS, the Champion Belles, who were runners-up in the '92 Series, credited precision teamwork, the advantage of seven seasoned World Series teammates, and the unqualified and enthusiastic support of the entire community and fans as keys to their victory; and

WHEREAS, members of the World Series championship team are Shelby Mattingly, Leslie Coleman, Devan Wagner, Jill Lambert, Mindy Vaughn, Naomi Tunstall, Carrie Payne, Jennifer Taylor, Kristi Black, Amy Brown, Gretchen Knowlton, Chesley Long and Jennifer Lilly, all of whom have brought great fame and honor to the Central Baldwin County community and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as 1993 Dixie Belles World Series Champions, we hereby most highly commend the Central Baldwin Belles, for whom copies of this resolution shall be provided.

On motion of Representative McMillan, the rules were suspended and the resolution, H.J.R. 85, was adopted.

Also:

By Representatives McMillan and Penry:

H.J.R. 86. COMMENDING BAY MINETTE 13-15 YEAR-OLD BABE RUTH ALL STARS BASEBALL TEAM ON ITS UNDEFEATED SEASON AND STATE CHAMPIONSHIP.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama congratulates the Bay Minette 13-15 Year-Old Babe Ruth All Stars Baseball Team on its undefeated season and having earned the State Championship in the Babe Ruth 13-15 year-old competition; and

WHEREAS, under the direction of Coaches David Hill and Jimbo Taylor and Manager Jimmy Hartner, these state champions competed in the regional play-offs in the Manteo North Carolina Southeast Regional Tournament August 6-11, 1993, where they defeated Texas, and proudly represented our state with their great athletic skills; and

WHEREAS, Chuck Wallace, Brian Bryars, Daniel Rhames, Matthew Stevens, Josh Buck, Justin Paul, Michael Smith, Les Hall, Michael Thompson, Jeremy Richerson, Jarrod Jones, Billy Long, Matthew McDonald, B. J. Byrd, and John Hartner have played their hearts out and are champions of whom we all are proud; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of their extraordinary achievements all season and as 1993 champions, we hereby most highly commend the Bay Minette 13-15 Year-Old Babe Ruth All Stars Baseball Team, coaches, and manager, and direct that copies of this resolution be forwarded to Coach David Hill and Coach Jimbo Taylor for appropriate presentation and display.

On motion of Representative McMillan, the rules were suspended and the resolution, H.J.R. 86, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative McMillan, the rules were suspended in order to take up uncontested local bills on the Calendar.

BILLS ON THIRD READING

H. 89 TEMPORARILY CARRIED OVER

In the absence of the sponsor, the Speaker temporarily carried over the bill, H. 89.

S. 30 TAKEN UP

And the bill:

S. 30. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Leesburg in Cherokee County.

was read a third time at length and passed.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Blakeney, Bowling, Bryant, Cagle, Carns, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Gullatt, Hall, Hawkins, Hill, Hilliard, Hogan, Knight (A), Kvalheim, Layson, Lindsey, Mathis, McDaniel, McMillan, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Petelos, Powell, Richardson, Rogers (F), Sanderson, Smith (C), Turnham, Warren, White, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Owens:

S.J.R. 27. DESIGNATING THE BRIDGE IN CHILTON COUNTY ON CHILTON COUNTY ROAD 55 BETWEEN LAY AND MITCHELL DAM, THE "GEORGE D. SMITH BRIDGE."

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Smith (C), the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 27, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Foshee:

S. 82. To make an appropriation for the payment of interest due the federal government as computed in accordance with the provisions of the Cash Management Improvement Act of 1990, Public Law 101-453 and authorize the director of finance to provide the necessary administration to ensure full compliance with all the provisions of Public Law 101-453.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 82. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Smith (J):

S. 43. To amend section 31-5-3 of the Code of Alabama 1975, to add a representative of the Military Order of the Purple Heart to the State Board of Veterans' Affairs.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 43. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Waggoner:

S. 75. To provide that certain full-time employees and executive officers of the Alabama Sports Hall of Fame Board and the Birmingham Football Foundation Board, nonprofit corporations, may elect to become members of the Teachers' Retirement System of Alabama and the State Employees' Health Insurance Plan; to provide that the Alabama Sports Hall of Fame Board and the Birmingham Football Foundation Board and its employees assume all costs, both contributory and administrative, and that no cost devolve upon the state; and to provide for the purchase of certain previous service credit in the Teachers' Retirement System of Alabama.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 75. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Waggoner:

S. 14. Relating to credits against state income tax liability; to provide a credit to employers who provide approved basic skills education programs to its employees beginning with the 1993 tax year.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 14. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Hale, Bailey, Hill, Bedsole, Little, Dixon, and Smith (J):

S. 79. To define disparagement of perishable products or commodities; to provide a cause of action; to provide for recovery; to provide for limitations of actions and civil procedure; and to provide for cumulative effect.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 79. Agriculture, Forestry and Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Windom:

S. 54. To amend Section 16-45-4, Code of Alabama 1975, relating to the board of directors of the Marine Environmental Sciences Consortium, to authorize the chief executive officer of a member institution to designate an officer or employee of the institution to serve on the board.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 54. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Windom:

S. 47. Providing for a special additional civil cause of action for victims who are injured or suffered loss due to an act committed on them because of their actual or perceived race, religion, national origin, ethnicity, or disability, and providing for treble damages and attorney fees.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 47. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Waggoner (With Notice and Proof):

S. 6. To authorize the county commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax

district subject to the jurisdiction and control of the Hoover City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.39 on each one hundred dollars (13.9 mills on each dollar) of assessed value.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 6, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 6. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Horn (With Notice and Proof):

S. 10. Relating to the expense allowance of the Mayor of any Class 1 municipality; to repeal Section 11-43-86, Code of Alabama 1975, relating to the existing expense allowance of the mayor of any Class 1 municipality; to provide for a monthly expense allowance for the mayor of any Class 1 municipality; to provide that the expense allowance shall be eligible for certain treatment, both in determining retirement benefits and allowances and the required withholdings and payments into any pension or retirement system trust fund provided for any retirement benefit system in which mayors shall be entitled to participate; and to provide that this act shall become effective upon the approval of the qualified electors of any Class 1 municipality voting in a referendum held for that purpose.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 10, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 10. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Escott-Russell (With Notice and Proof):

S. 45. Relating to Jefferson County; providing certain county supplements for the secretaries for district and circuit court judges in the county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 45, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 45. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Horn (With Notice and Proof):

S. 7. To provide members of the council or governing body of any Class 1 municipality with a certain additional expense allowance; to provide that the expense allowance provided under this act and the expense allowances provided under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate; and to provide for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 7, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 7. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Waggoner (With Notice and Proof):

S. 5. To authorize the county commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax district subject to the jurisdiction and control of the Vestavia Hills City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.51 on each one hundred dollars (15.1 mills on each dollar) of assessed value.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 5, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 5. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Amari (With Notice and Proof):

S. 88. To amend Section 10 of Act 80-609, H. 520, 1980 Regular Session (Acts of Alabama 1980, p. 1027), the Jefferson County Bingo Act relating to the permitting of qualified organizations to operate bingo games, to further provide for the amount of prizes.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 88, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 88. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 44. To provide for the establishment, composition, and powers of the Alabama Agricultural Museum Board.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Carothers, the House non-concurred in the Senate amendment to the bill, H. 44, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the establishment, composition, and powers of the Alabama Agricultural Museum Board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is created and established a public agency of the state to be known as the Alabama Agricultural Museum Board. In accordance with Act No. 92-541, H.J.R. 317 of the 1992 Regular Session (Acts 1992, p. 1149), this board and museum shall be permanently located at Landmark Park in Dothan, Alabama, where it shall maintain buildings, exhibits, and equipment, considered suitable and appropriate for conducting its affairs.

Section 2. It shall be the function and main purpose of the board to recognize the important contribution of agriculture to our state and to preserve, exhibit, display, and interpret artifacts and other materials associated with it.

Section 3. (a) The board shall be composed of 9 members: one member shall be appointed by the President of Auburn University, one shall be appointed by the Director of the Alabama Department of Archives and History, one member shall be appointed by the Commissioner of the Alabama Department of Agriculture and Industries, 6 members shall be appointed by the Governor, two of which shall be selected from a list of 10 individuals submitted by the Dothan Landmarks Foundation.

(b) Terms of members serving on the initial board shall be: 3 shall serve a two-year term, 3 shall serve a three-year term, and 3 shall serve a four-year term, determined by lot. Thereafter, all shall serve a four-year term.

Section 4. The board shall elect a chair, a vice-chair, and secretary-treasurer from its members for a term of one year and may appoint any committees it considers necessary to carry out its duties pursuant to this act. The board shall meet at least once each year. Additional meetings may be held as prescribed in its rules and by-laws. A majority of the members shall constitute a quorum for transaction of business. The secretary-treasurer shall keep a record of the proceedings of the board. The board may promulgate and adopt rules and regulations consistent with this act which are necessary for the performance of its duties. The members of the board shall not be compensated for their services. The board members shall be reimbursed for their travel expenses in the same manner as state employees. The board shall fill vacancies as they occur in the manner prescribed in this act. A board member shall serve until his or her successor is appointed.

Section 5. The Board may hire personnel necessary or as advisable to carry out the purposes and provisions of this act. Personnel shall be subject to the provisions of the State Merit System Act.

Section 6. The board shall constitute a public body corporate and shall have, in addition to those set forth specifically in this act, all powers necessary or convenient to effect the purposes for which it has been established under and by the terms of this act, together with all powers incidental thereto or necessary to the discharge of its powers and duties.

Section 7. The board may solicit and accept public or private donations, grants, contributions, property, or services, and all gifts made to the board shall be exempt from all taxation in Alabama. The board is authorized to set and charge reasonable entrance fees to view the museum and related exhibits. The board may also provide for concessions in accordance with state law and charge or receive reasonable fees therefor.

Section 8. All receipts and income of the Alabama Agricultural Museum Board shall be deposited into the State Treasury to the credit of the Alabama Agricultural Museum Fund, which is hereby created. Such receipts and income shall be paid out only by warrant of the comptroller upon the treasurer, upon itemized vouchers, approved by the Chairman of the Board; provided, that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of sections 41-4-80 through 41-4-96 and sections 41-19-1 through 41-19-12 of the Code of Alabama 1975, as amended and only in amounts as stipulated in the general appropriation or other appropriation bills.

Section 9. There is hereby appropriated from the Alabama Agricultural Museum Fund to the Alabama Agricultural Museum Board, for fiscal year 1993-94, such an amount as deemed necessary by the Alabama Agricultural Museum Board to fund the costs of its operations.

Section 10. The board may sell, convey, transfer, lease, or donate any property, franchise, grant, easement, license, or lease or interest therein which it may own and to transfer, assign, sell, convey, or donate any right, title, or interest which it may have in any lease, contract, agreement, license, or property.

Section 11. The board shall be a state agency and shall have exclusive control over the Landmark Park, the agricultural museum established pursuant to this act, all improvements and exhibits located thereon, and all additions constructed, created, leased, acquired, or erected in connection therewith.

Section 12. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this act are hereby repealed.

Section 14. This act shall become effective October 1, 1993, upon its passage and approval by the Governor or upon its otherwise becoming a law.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Bowling, Bryant, Cagle, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Drake, Ford, Freeman, Fuller, Gaines, Goodwin, Gullatt, Hall, Harvey, Hill, Hilliard, Hogan, Holley, Kennedy, Knight (A), Knight (J), Kvalheim, Letson, Mathis, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (T), Petelos, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Turner, Turnham, Venable, Walker, White, Willis and Zoghby.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Carothers, Beasley and Johnson on the disagreement of the two Houses on the Senate amendment to the bill, H. 44.

RECESS

On motion on Representative Dolbare, the House recessed to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Box, the rules were suspended in order to take up out of order the bill, S. 32.

And the bill:

S. 32. (With Amendment): Relating to the State Ethics Law; defining certain terms; conforming certain provisions to those terms; making technical nonsubstantive changes; increasing the membership of the commission and providing for the method of filling vacancies; providing for the promulgation of rules and regulations; requiring the recording of proceedings and the preservation of the records; specifying the procedure for the issuance of advisory opinions; requiring that investigative matters remain confidential and providing penalties for violations; providing a procedure for processing a complaint, and for offering the respondent a right to participate; providing a procedure for conducting an investigation and a hearing; providing a procedure for the subpoena of evidence; revising the statement of economic interests; specifying the procedure to be used to remove a candidate from the ballot; requiring lobbyists and principals to file additional information; prohibiting public officials and public employees from soliciting a thing of value or certain costs and prohibiting a lobbyist from satisfying such a solicitation; to prevent certain former public officials and public employees from lobbying and contracting with public agencies for a certain period of time after their public service; to provide certain employment protection and civil remedies to persons filing a complaint; creating the crime of wanton false reporting of a complaint and false reporting of a complaint and prescribing criminal penalties; permitting the recovery of attorney fees in a civil action; and amending Sections 36-25-1 to 36-25-30, inclusive, Code of Alabama 1975.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend S. 32 on Page 49 by adding after the period on line 15 the following: "Any person who owns, directly or indirectly, or holds five percent or more of the combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of a corporation, or the capital interest, or the profits interest of a partnership, or the beneficial interest of a trust, estate, or other unincorporated entity of a gambling interest is prohibited from making any contribution to any candidate, if the candidate is a candidate for an office that regulates

the gambling industry. For the purpose of this act, those persons who are considered to regulate the gambling industry are any racing commissions including any public official serving on said commissions whether or not that public official appoints a designee, on said commissions are created under Alabama law."

SUBSTITUTE OFFERED

Representative Hammett offered the following substitute to the bill, S. 32, and to the pending committee amendment:

A BILL TO BE ENTITLED AN ACT

Relating to the State Ethics Law; defining certain terms; conforming certain provisions to those terms; making technical nonsubstantive changes; increasing the membership of the commission and providing for the method of filling vacancies; providing for the promulgation of rules and regulations; requiring the recording of proceedings and the preservation of the records; specifying the procedure for the issuance of advisory opinions; requiring that investigative matters remain confidential and providing penalties for violations; providing a procedure for processing a complaint, including a complaint filed by a complainant requesting anonymity, and for offering the respondent a right to participate; providing a procedure for conducting an investigation and a hearing; providing a procedure for the subpoena of evidence; prohibiting certain public officers and public employees from entering into a contract with their former office or agency for a certain time; revising the statement of economic interests; specifying the procedure to be used to remove a candidate from the ballot; requiring lobbyists and principals to file additional information; prohibiting public officials and public employees from soliciting a thing of value or certain costs and prohibiting a lobbyist from satisfying such a solicitation; providing certain employment protection and civil remedies to persons filing a complaint; creating the crime of wanton false reporting of a complaint and false reporting of a complaint and prescribing criminal penalties; permitting the recovery of attorney fees in a civil action; and amending Sections 36-25-1 to 36-25-30, inclusive, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 36-25-1 and 36-25-2, Code of Alabama 1975, are amended to read as follows:

***§36-25-1.**

"Whenever used in this chapter, the following words and terms shall have the following ~~respective~~ meanings ~~unless the context clearly indicates otherwise~~:

"(1) BUSINESS. Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, or and any other legal entity.

"(2) BUSINESS WITH WHICH HE THE PERSON IS ASSOCIATED. Any business of which the person or a member of his or her family is an officer, owner, partner, employee, or holder of more than 10 percent of the fair market value of such the business.

"(3) CANDIDATE FOR PUBLIC OFFICE. Any person who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, and any person who has been nominated for appointment to serve as a public official.

"(4) COMMISSION. The state ethics commission.

"(5) COMPLAINANT. The person or persons who allege a violation or violations of this chapter by filing a complaint against a respondent.

"(6) LOBBYING. The practice of promoting or opposing the introduction or enactment of legislation before the legislature or the members of a legislative committee or the members thereof committee, and shall also include the practice of promoting or opposing executive approval of legislation.

"(7) LOBBYIST. All persons who seek to encourage the passage, defeat, or modification of any legislation, ~~except~~ The term shall not include: (1) Members members of the Alabama legislature Legislature; or any (2) Any person who, on an isolated basis and without the intent to continue beyond a single day during a session of the Alabama legislature merely Legislature, contacts a member of the Legislature or appears before a committee or committees of the legislature in his an individual capacity to express support or opposition to any legislation; or on (3) Any person who contacts a member of the Legislature or appears before a committee or committees of the Legislature on behalf of a corporation, partnership, association, or other business entity, with which such the person is regularly associated as an employee, officer, member, or partner without receiving additional salary or compensation other than reasonable and ordinary travel expenses, to express support of or opposition to any legislation; and who A lobbyist shall so declare to a member, members or committee of the legislature Legislature with whom he or she discusses any proposed legislation the capacity in which he or she is acting. legislation, and who shall so declare to a member, members or committee of the legislature with whom he or she discusses any proposed legislation.

"(9) (8) PUBLIC EMPLOYEE. Any person employed at the state, county, or municipal level of government or their instrumentalities who is paid in whole or in part from state, county, or municipal funds.

"(10) (9) PUBLIC EMPLOYEE'S FAMILY. The employee's spouse and dependents.

"(11) (10) PUBLIC OFFICIAL. Any person elected to public office by the vote of the people at state, county, or municipal level of government or their instrumentalities and any person appointed to a position at the state, county, or municipal level of government or their instrumentalities. Public official includes any person who is in the position of one elected to a public office but has not yet taken the oath of office or assumed the official duties of that office, or both.

"(12) (11) PUBLIC OFFICIAL'S FAMILY. The official's spouse and dependents.

"(13) (12) REPORTING YEAR. The reporting official's or employee's fiscal tax year as it applies to his or her United States personal income tax return(s) return.

"(14) (13) RESPONDENT. The person alleged to have violated this chapter and against whom an ethics complaint has been filed.

"(15) (14) STATEMENT OF ECONOMIC INTERESTS. A financial disclosure form which ~~must~~ shall be completed and filed with the ~~state ethics~~ commission prior to April 30 of each year covering the preceding calendar year by all elected public officials, ~~and these~~ appointed public officials and public employees who occupy positions paying ~~\$25,000.00~~ forty thousand dollars (\$40,000) or more annually, and all candidates for elected public office within five days of becoming a candidate for elected public office."

"(16) (15) THING OF VALUE. Any individual gift, favor, service, gratuity, special discount, unsecured loan (other than those made in the ordinary course of business), reward, or promise of future employment. A thing of value does not include fees, honorariums, or seasonal gifts, if the aggregate value of these items is less than two hundred fifty dollars (\$250) during any one calendar year. A thing of value shall not include expenses associated with social occasions afforded public officials and public employees, nor shall a thing of value include reasonable transportation and lodging and meal expenses for educational or informational purposes."

"§36-25-2.

"(a) The Legislature hereby finds and declares:

"(1) It is essential to the proper operation of democratic government that public officials be independent and impartial; that governmental

"(2) Governmental decisions and policy should be made in the proper channels of the governmental structure; that public

"(3) No public office~~net~~ should be used for private gain other than the remuneration provided by law;~~and that.~~

"(4) It is important that there be public confidence in the integrity of government.

"(5) The attainment of one or more of ~~these~~ the ends sets forth in this subsection is impaired whenever there exists a conflict between the private interests of an elected public official or a government public employee and ~~his~~ the duties as such of the public official or public employee.

"(6) The public interest,~~therefore,~~ requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to the conduct of elected public officials and government public employees in situations where conflicts exist.

"(b) It is also essential to the proper operation of government that those best qualified be encouraged to serve the government. Accordingly, legal safeguards against conflicts of interest must be so designed as not unnecessarily or unreasonably to impede the recruitment and retention by the government of those men and women who are best qualified to serve it. An essential principle underlying the staffing of our government structure is that its ~~elected public officials and public employees~~ should not be denied the opportunity, available to all other citizens, to acquire and retain private economic and other interests, except where conflicts with the responsibility of ~~such elected public officials and public employees~~ to the public cannot be avoided.

"(c) ~~The legislature hereby~~ Legislature declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to individual members of the legislature, to committees of the ~~legislature~~ Legislature, and to officials of the executive branch, their opinions on legislation, on pending executive actions, and on current issues;~~and that, to.~~ To preserve and maintain the integrity of the legislative and administrative processes, it is necessary that the identity, expenditures, and activities of certain persons who engage in efforts to persuade members of the ~~legislature~~ Legislature or ~~members of the executive branch~~ to take specific actions, either by direct communication to ~~such these~~ officials, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. ~~The provisions of this~~ This chapter shall be liberally construed to promote complete disclosure of all such information and ~~as to assure that the public interest will be~~ is fully protected.

"(d) It is the policy and purpose of this chapter to implement these objectives of protecting the integrity of all governmental units of this state and of facilitating the recruitment and retention of qualified personnel by prescribing essential restrictions against conflicts of interest in state government without creating unnecessary barriers to the public service."

Section 2. Section 36-25-3, Code of Alabama 1975, is amended to read as follows:

"§36-25-3.

"(a) ~~There is hereby created a~~ The state ethics commission which shall be composed of five ~~seven~~ members, each of whom shall be a fair, equitable citizen of this state and of high moral character. ~~The following persons shall not be appointed as members:~~

"(1) A public official holding an elected office.

"(2) A candidate for public office.

"(3) A lobbyist registered pursuant to Section 36-25-18.

"(4) A public employee.

No member of the commission shall be eligible for appointment to succeed himself or herself, whether the current term is a full term or the unexpired portion of the term of a prior member. ~~The members of such commission shall be appointed by the following officers: the governor, the lieutenant governor and the speaker of the house of representatives and shall assume their duties upon confirmation by the senate. The members of the first commission shall be appointed for terms of office expiring one, two, three, four and five years, respectively, from September 1, 1975. Successors to the members of this first commission shall each be appointed for terms of five years and until their successors are appointed and have qualified. If at any time there should be a vacancy on the commission, a successor member to serve for the unexpired term applicable to such vacancy shall be appointed by the governor. At least two members of the commission shall be black. At least one member of the commission shall be a woman. Each new member shall serve a seven-year term. The amendatory act of the 1993 First Special Session which amends this section shall not extend the term of any present member. Notwithstanding the foregoing, the initial term of the sixth member shall be for a period of six years. The initial appointment of the sixth member shall be made by the Governor. The initial appointment of the seventh member shall be made by the Lieutenant Governor, or in the absence of a Lieutenant Governor, the President Pro Tempore of the Senate. Vacancies shall be filled on a rotating basis in the following order:~~

"(1) The Governor.

"(2) The Lieutenant Governor, or in the absence of a Lieutenant Governor, the President Pro Tempore of the Senate.

"(3) The Speaker of the House.

Members shall be confirmed by the Senate prior to assuming their duties. Vacancies shall be filled for the remainder of the term by the original appointing authority. The commission shall elect one member to serve as chairman chair of the commission and one member to serve as vice-chairman vice-chair. The vice-chairman vice-chair shall act as chairman chair in the absence or disability of the chairman chair or in the event of a vacancy in that office. As soon as all the members of the board have been appointed, the governor shall call and provide for the holding of an organizational meeting of the commission.

"(b) A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission, and ~~three~~ four members thereof shall constitute a quorum. Unless otherwise provided in this chapter, the commission shall take action only upon majority vote of the commissioners appointed and confirmed.

"(c) The commission shall at the close of each fiscal year report to the legislature Legislature and the governor ~~concerning~~ Governor each of the following:

"(1) The the action it has taken,

"(2) The the names, salaries, and duties of all individuals in its employ, and the money it has

"(3) Money disbursed, and shall make such further reports on the

"(4) Other relevant matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

"(5) Recommendation for desirable legislation.

"(d) Members of the commission shall, while serving on the business of the commission, ~~be entitled to receive compensation at the rate of \$50.00~~ fifty dollars (\$50) per day, and each such member shall be paid his travel expenses incurred in the performance of his duties as a member of the commission as other state employees and officials are paid when approved by the chairman thereof chair.

"(e) All members, officers, agents, attorneys, and employees of the commission shall be subject to the ~~provisions of this chapter and also to the provisions of law prohibiting political activities by state employees.~~

"(f) The commission shall appoint an executive director and ~~such other necessary staff as is needed.~~ All such appointees shall serve at the pleasure of the commission. All such employees, except for the executive director, shall be employed subject to the ~~provisions of the state merit system law,~~ and their compensation shall be prescribed pursuant to ~~such~~ law. The compensation of the executive director shall be fixed by the commission, ~~but shall not exceed such~~

~~amount as heretofore or as may hereafter be allowed by law for such officer, and shall be payable as are the salaries of other state employees. The executive director shall be responsible for the administrative operations of the commission and shall perform such any other duties as may be delegated or assigned to him from time to time by regulation or order of the commission. However, the~~ Notwithstanding the foregoing, the commission shall not delegate the making of regulations to the executive director. The commission may require the executive director to draft regulations, but no regulation shall be implemented by the executive director until adopted by ~~the commission members~~ the commission in accordance with Sections 41-22-1 to 41-22-27, inclusive, Code of Alabama 1975, the Alabama Administrative Procedure Act.

~~"(g) The commission is hereby authorized, when in its discretion the ends of justice will be thereby served, to may~~ waive any rule or regulation presented relative to any disclosure statement; ~~provided, that such~~ if the waiver is done in writing, ~~stating~~ states the reason why, and is made a part of the public record."

Section 3. Sections 36-25-4 to 36-25-30, inclusive, Code of Alabama 1975, are amended to read as follows:

"§36-25-4.

~~"(a) It shall be the duty of the commission:~~ The commission shall perform each of the following duties:

~~"(1) To prescribe~~ Prescribe forms for statements required to be filed by this chapter and ~~to furnish such~~ those forms to persons required to file ~~such~~ the statements.

~~"(2) To prepare~~ Prepare and publish a manual setting forth recommended uniform methods of reporting for use by persons required to file statements ~~required by this chapter.~~

~~"(3) To accept~~ Accept and file any information voluntarily supplied that exceeds the requirements of this chapter.

~~"(4) To develop~~ Develop a filing, coding, and cross-indexing system consonant with the purposes of this chapter.

~~"(5) To make~~ Make reports and statements filed with it available at reasonable hours to responsible public inquiry subject to such regulations as the commission may prescribe including, but not limited to, regulations requiring identification by name, occupation, address, and telephone number of each ~~such~~ person examining information on file with the commission; ~~provided, that no~~ No copies of reports and statements will may be removed from the office of the ~~state ethics~~ commission.

"(6) ~~To preserve such~~ Preserve these reports and statements for a period of six years from date of receipt.

"(7) ~~To make~~ Make investigations with respect to statements filed under the ~~provisions of this chapter, and with respect to alleged failures to file any statement required under the provisions of this chapter and, upon complaint by any individual with respect to an alleged violation of any part of this chapter as provided in subdivision (13).; and, whenever~~ When, in its opinion, a thorough audit of any person or any business should be made ~~in order to determine whether this chapter has been violated, the commission shall direct the examiner of public accounts to have such the audit made and a report thereof filed with the commission. The examiner of public accounts shall upon receipt of such the directive immediately comply therewith.~~

"(8) ~~To report~~ Report suspected violations of law to the appropriate law-enforcement authorities.

"(9) ~~To issue upon request and publish advisory opinions on the requirements of this chapter, based on a real or hypothetical set of circumstances. The written opinion of the state ethics commission provided to anyone shall protect such person to whom it is directed from liability to either the state, county or municipal subdivision of the state because of any official action or actions performed as directed or advised in such opinion.~~ Issue upon request, and publish with all names and identifying features eliminated, advisory opinions regarding this chapter, based on a real or hypothetical set of circumstances. The commission shall issue an advisory opinion not later than the next regularly scheduled meeting of the commission after the receipt of the request for the opinion. If the request is received within 10 days prior to the next regularly scheduled meeting of the commission, the commission shall issue the advisory opinion at the meeting following the next regularly scheduled meeting. Advisory opinions issued pursuant to this section shall be effective and deemed valid until expressly overruled or altered by the commission. This power of the commission is in addition to the power of the Attorney General to issue upon request, and to publish with all names and identifying features eliminated, formal advisory opinions regarding this chapter, based on a real or hypothetical set of circumstances. The written opinions of the commission or the Attorney General shall protect the person who requested the opinion and any other person reasonably relying on the opinion in a materially similar circumstance from liability to the state, county, or a municipal subdivision of the state for any official action or inaction taken in reliance on the opinion. The opinions of the commission shall be available for review and inspection by the public within five working days from the date the opinion is adopted by the commission.

"(10) Record, through the use of a tape recording device or in a transcribed form through the use of a court reporter, all meetings and proceedings of the commission. The commission shall preserve these records for six years.

~~"(10) To initiate~~ (11) Initiate and continue programs for the purpose of educating candidates, officials, employees, and citizens of Alabama on matters of ethics in government service.

~~"(11) To (12) In accordance with Sections 41-22-1 to 41-22-27, inclusive, Code of Alabama 1975, the Alabama Administrative Procedure Act, prescribe, publish, and enforce rules and regulations to carry out the provisions of this chapter. No such rules and regulations, however, shall be adopted until notice thereof is given by publication at least 30 days prior to the date set for adoption thereof and an opportunity afforded to the public to appear and contest such rules and regulations. The commission is authorized only to make rules and regulations on the subject matter specifically mentioned in this chapter.~~

~~"(12) After the commission has been organized pursuant to this chapter and has prescribed the rules and regulations and adopted and promulgated such rules and regulations, it shall give notice for 60 days prior thereto of the day on which such rules and regulations shall become effective throughout this state and other provisions of this chapter shall be thereby implemented.~~

~~"(13) No member nor employees of said commission shall make any public statement or give out any information concerning any complaint against any individual until the investigation of said complaint is completed and the commission has taken final action as to the disposition of said complaint.~~

"(14) (13) Perform investigatory functions within its authority. The commission shall not take any investigatory action on a telephonic or written complaint against a public official respondent so long as the complainant remains anonymous. Investigatory action on a complaint from an identifiable source complainant shall not be initiated until if the true identity of the source complainant has been ascertained and written verification of such the ascertainment is in the commission's files. The complaint shall set forth in detail the specific charges against a respondent, and the factual allegations which support those specific charges. The commission shall dismiss a complaint containing allegations against more than one respondent. A complainant may file multiple complaints.

"A complainant filing a complaint with the commission may request anonymity and may request the commission replace his or her name with the word anonymous if the following requirements are satisfied:

"1. The commission has verified the true identity of the complainant and this written verification is maintained in the files of the commission.

"2. The complaint sets forth in detail the specific charges against the respondent, and the factual allegations which support the specific charges. If such a request for anonymity is made, the commission shall assign a code number to the complaint and remove the name of and any references to the complainant from the complaint. The name of the complainant and the

corresponding code number shall be sealed and kept in a secure location. Except as required by this section, only the commission shall know the name of the complainant. Any person, who without statutory authority willfully and intentionally divulges the name of a complainant who requests anonymity, is guilty of a Class A misdemeanor.

The commission shall provide to a respondent written notice that a complaint has been filed against him or her along with a copy of the complaint and any and all information provided by the complainant, other than the name of a complainant requesting anonymity, within 72 hours or three working days after receiving the complaint.

~~"In all matters that come before the commission concerning a complaint on an individual, the laws of due process shall be strictly adhered to.~~

"(14) Make a written determination whether there is probable cause to proceed with an investigation based upon the charges, factual allegations, and supporting evidence provided in a complaint, including a complaint received from a complainant requesting anonymity. This written determination shall be made within 30 days from the date a complaint is filed pursuant to this chapter, unless the commission makes a written determination that there is a compelling need for additional time, in which event the 30-day period may be extended for an additional 30 days. The factors to be considered by the commission in reaching a determination of probable cause shall include each of the following:

"a. Whether the complainant has sufficiently alleged a violation of this chapter.

"b. Whether the complainant has personal knowledge or has offered admissible evidence of the alleged violation.

"c. Whether advisory opinions of the commission or the Attorney General or prior formal or informal opinion letters from the commission support the charge that the respondent has violated this chapter.

"(15) Dismiss a complaint, if within 30 days after the complaint is filed, or within 30 days after an extension is granted, the commission does not make a written determination that probable cause exists to proceed with an investigation. At the time a complaint is dismissed, written notice shall be delivered to the respondent by certified mail specifying the details of the complaint, the name of the complainant, including the name of a complainant who requested anonymity, and verification that the complaint has been dismissed. At the time a complaint is dismissed, if the commission determines that the complainant may have violated the criminal prohibitions provided in Section 36-25-25, the commission shall refer the matter to the appropriate district attorney or to the Attorney General.

"(16) Commence an investigation upon a written determination of probable cause. At the time a written determination of probable cause is made by the commission, the commission shall immediately notify the respondent by certified mail of the specific charges in the complaint and the name of the complainant, including the name of a complainant who requested anonymity. The investigation shall conclude within 60 days of the date of the written determination. If the commission determines there is a compelling need for additional time, the commission may by vote extend the period of investigation an additional 30 days.

"(17) If an investigation is commenced, ensure the respondent charged in the complaint has a right to participate in the proceedings, either directly or through his or her representative or both. The respondent may examine and make copies of all evidence in the possession of the commission relating to the charges. The same discovery techniques that are available to the commission shall be equally available to the respondent, including the right to request the commission to request the subpoena of witnesses or materials and the right to conduct depositions. The commission shall not require the respondent to be a witness against himself or herself.

"(18) Request the subpoena of records or the testimony of witnesses if the commission certifies a compelling need. Upon making this certification, the commission may request the district attorney of the county in which the respondent resides to issue subpoenas to obtain the records or testimony. Within two working days of the date of the request, the commission shall notify the respondent by certified mail of the request for the subpoena. Prior to the issuance of any subpoena, the district attorney shall certify in writing each of the following:

"a. The investigation is warranted.

"b. There is probable cause to believe this chapter has been violated.

"c. The issuance of the subpoena is necessary for the completion of the investigation. This certification shall be filed with the commission. If the district attorney refuses to issue a subpoena, the commission may request the Attorney General to issue the subpoena. Within two working days of the date of the request for the subpoena, the commission shall notify the respondent of the request for the subpoena. Prior to the issuance of a subpoena, the Attorney General shall certify in writing each of the following:

"1. The investigation is warranted.

"2. There is probable cause to believe this chapter has been violated.

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"3. The issuance of the subpoena is necessary for the completion of the investigation.

This certification shall be filed with the commission. If a subpoena is issued pursuant to this subdivision, the time for completion of the investigation by the commission shall be stayed from the date of the issuance of the subpoena until the date the records or testimony sought have been obtained or delivered to the commission or its staff.

"(19) Review and permit the executive director and any staff, employee, or any other person engaged by the commission and under the direction and supervision of the executive director to review the testimony and records obtained under this section. The prohibitions relating to non-disclosure and secrecy of testimony and records contained in subsection (b) of this section shall strictly apply to the commission, executive director, staff, employee, or any other person engaged by the commission. Nothing contained in this section shall be deemed to prohibit the commission and the executive director, or any staff, employee, or any other person engaged by the commission from meeting with, discussing, or disclosing information gathered during the investigation with the respondent or the representative of the respondent, or both.

"(20) Conduct a hearing with the respondent or the representative of the respondent, or both. The hearing shall be conducted at the conclusion of the investigation. The commission shall give the respondent written notice by certified mail of the date of the hearing at least 14 days prior to the hearing. The hearing shall be closed and the respondent or representative of the respondent shall have a sufficient opportunity to respond to the complaint and the preliminary findings of the investigation. At the conclusion of the hearing, the commission shall vote whether further action is warranted. If the commission votes that further action is warranted, the commission shall refer the matter to the district attorney of the county in which the respondent resides. If the district attorney fails to take appropriate action within a reasonable time, the commission may refer the matter to the Attorney General.

"(21) Strictly adhere to the requirements of due process in all matters and proceedings before the commission.

"(b)(1) No past or present complainant during an investigation, past or present witness, member of the commission, the executive director, staff, employee, or other person engaged by the commission, a district attorney or the staff of a district attorney, the Attorney General or the staff of the Attorney General, or any other person shall willfully at any time directly or indirectly, conditionally or unconditionally, by any means whatever, reveal, disclose or divulge or attempt or endeavor to reveal, disclose, or divulge or cause to be revealed, disclosed, or divulged, any knowledge or information pertaining to any questions, considerations, debates, deliberations, opinions, or votes on any case, investigation, complaint, evidence, or other matter taken within or occurring before the commission. No person shall, at any time, directly or indirectly, conditionally or unconditionally by any means whatever, corruptly or with intent to influence such a person or by threat of harm to the person or the property of the person, or by force

applied to the person or the property, or by threatening letter or communication, or by offer of reward, remuneration, gift, benefit, or thing of value of whatever nature or kind, obtain or endeavor to obtain, any information pertaining to, or any knowledge of any questions, considerations, debates, deliberations, opinions, or votes on any complaint, investigation, case, evidence, or other matter taken or transpiring within or before the commission.

"(2) No person shall willfully by any means whatever, directly or indirectly, conditionally or unconditionally, obstruct, impede, prevent, or attempt or endeavor to obstruct, impede, or prevent any person summoned, subpoenaed, or called to testify before the commission or who may be summoned, subpoenaed, or called before the commission from attending or appearing. No person shall, by any means whatever, directly or indirectly, conditionally, or unconditionally induce, coerce, or attempt or endeavor to induce or coerce any person to give any false testimony or withhold any true testimony within or before the commission.

"(3) No person shall injure or endeavor to injure the property or person of any complainant, witness, or other person as a result of their participation in, appearance, or testimony before the commission.

"(4) All persons testifying before the commission shall submit to an oath or affirmation of secrecy. The failure of a person to be so sworn shall not relieve the person of any criminal liability imposed by this section.

"(5) The prohibitions against disclosure pursuant to this subsection shall not apply to any district attorney or the Attorney General or members of their staff or witnesses from the date of the initiation of a criminal prosecution regarding prosecutions for violations of this chapter.

"(6) Any member or employee of said commission person who violates the provisions of this section subdivision shall be guilty of a Class A misdemeanor, and upon conviction be sentenced to the county jail for one year or be fined up to \$1,000.00, or both."

"§36-25-5.

"(a) No public official or public employee shall may use an official position or office to obtain direct personal financial gain for himself or herself, or his a member of the family of the public official or public employee, or any business with which he the person or a member of his family member is associated unless such the use and or gain are is specifically authorized by law. An interest or gain on the part of a person which is common to all persons similarly situated, or when there is a general benefit to other citizens in the class to which the person belongs, shall not constitute a direct personal financial gain.

"(b) Unless prohibited by the Alabama Constitution of Alabama of 1901, nothing herein shall be construed to prohibit a legislator from introducing bills and resolutions, serving on committees, or from making statements or taking action in the exercise of his or her legislative duties.

"(c) Nothing herein shall be construed to prohibit any public official or public employee from casting his or her vote on behalf of the people he or she may represent on any ordinance, resolution, or other action in the exercise of the position for which he or she was elected or appointed."

"§36-25-6.

"No person shall offer to or give to a public official, ~~or public employee,~~ or member of his the family of the public official or public employee, and ~~none of the aforementioned~~ no public official, public employee, or member of the family of the public official or public employee shall solicit or receive anything a thing of value, including a gift, favor or service or a promise of future employment, based on any understanding that the vote, official actions, decisions, or judgment of the intended recipient or family member would be influenced thereby. Expenses associated with social occasions afforded public officials and employees shall not be deemed a thing of value within the meaning of this section or prohibited hereby."

"§36-25-7.

"(a) No public official, ~~or public employee,~~ or a member of the his family of the public official or public employee shall solicit or receive any money in addition to that received by the public official or public employee in his or her official capacity for advice or assistance on matters concerning the legislature Legislature, an executive department, or any public regulatory board, commission, or other body which might influence the judgment of the public official or public employee in regards to matters which might come before the public official or public employee in the governmental position held by the public official or public employee."

"(b) No public official or public employee or business with which he the person is associated shall receive any fee, salary, wages, or other compensation for services provided to the state or any of its agencies or to any county, ~~or municipality,~~ or instrumentalities thereof unless a disclosure statement provided for in this section shall be is filed with the commission by the person rendering the services."

"(c) The disclosure statement shall include all of the following information:

"(1) The name of the employer;_

"(2) The amount of the compensation received for the employment;_and_

"(3) The date of employment."

"§36-25-8.

"No public official or public employee shall use or disclose confidential information gained in the course of or by reason of his or her position or employment in any way that could result in financial gain other than his or her regular salary as a public official or public employee ~~such state officer for himself, his the public official, public employee, a member of the family of the public official or public employee,~~ or for any other person."

"§36-25-9.

"(a) Unless expressly provided otherwise by law, no person shall serve as a member or employee of a state, county, or municipal regulatory board or commission or other body that regulates any business with which he the person is associated. ~~Nothing herein shall prohibit~~ Notwithstanding the foregoing, real estate brokers, agents, developers, appraisers, mortgage bankers, or other persons in the real estate field, or other state-licensed professionals, are not prohibited from serving on any planning boards or commissions, housing authorities, zoning board boards, board boards of adjustment, code enforcement board boards, industrial board boards, utilities board boards, or other state board boards or commission commissions.

"(b) ~~All county~~ County or municipal regulatory boards, authorities, or commissions currently comprised of any real estate brokers, agents, developers, appraisers, mortgage bankers or other persons in the real estate industry may allow ~~these~~ those individuals to continue to serve out their current ~~term~~ terms if appointed before December 31, 1991, ~~except that at.~~ At the conclusion of such the current term, subsequent appointments shall ~~reflect~~ ensure that the membership of real estate brokers and agents on the board shall not exceed more than one less of a majority of ~~any county or municipal regulatory~~ the board or commission. The aforementioned limitation shall become effective January 1, 1994.

"(c) No member of any county or municipal ~~agency,~~ regulatory board, or commission shall vote on, or participate on in, any ~~matters~~ matter in which ~~said member he or she or a member of his or her immediate family of said member~~ has any financial gain or interest ~~in the outcome of said vote.~~

"(d) All acts, actions, and votes taken by a county or municipal regulatory ~~such local boards and commissions~~ board or commission between January 1, 1991 and December 31, 1993 are ~~hereby~~ affirmed and ratified."

"§36-25-10.

"If a public official, ~~or public employee,~~ or a member of ~~his the family of the public official or public employee,~~ or a business with which ~~any of them~~ the person is associated, ~~shall for a fee represent~~ represents a client or constituent for a fee before any quasi-judicial board or commission, governmental regulatory agency or executive department or agency, notice of ~~such the~~ the representation ~~must~~ shall be

given within five days after the first day of such appearance. Notice shall be filed with the state ethics commission in the manner prescribed by the commission it. No member of the legislature Legislature shall for a fee, reward, or other compensation represent any person, firm, or corporation before the public service commission Public Service Commission or the state board of adjustment State Board of Adjustment."

"§36-25-11.

"Unless exempted under Alabama competitive bid laws pursuant to Article 2 (commencing with Section 41-16-20) and Article 3 (commencing with Section 41-16-50), Chapter 16, Title 41, or unless otherwise permitted to do so under law, no public official, or public employee, or a member of his the family of the public official or public employee, and no business with which any of them the person is associated shall enter into any contract to provide goods or services which is to be paid in whole or in part out of state, county, or municipal funds unless the contract has been awarded through a process of public notice and competitive bidding and a copy of such the contract is filed with the commission. All such contract awards shall be made as a result of original bid takings, and no awards from negotiations after bidding shall be allowed. A copy of each contract, regardless of the amount, entered into by a public official, public employee, family member of the family of a public official or public employee and any business with which any of them the person is associated shall be filed with the state ethics commission."

"§36-25-12.

"No person shall offer or give to a member or employee of a governmental agency, board, or commission that regulates a business with which such the person is associated, and no member or employee of a governmental regulatory agency, board, or commission shall solicit or accept from any such person anything a thing of value including a promise of future employment or a favor or service while the member or employee is associated with the regulatory agency, board, or commission. Expenses associated with social entertainment afforded members and employees shall not be deemed a thing of value within the meaning of this section."

"§36-25-13.

"(a) No former state public official or public employee shall serve for a fee as a lobbyist or represent clients before the body, agency, or department of which he or she is a former member or employee for a period of three years after he leaves leaving such membership or employment, unless notice of such the representation is given within five days after such the appearance. Notice shall be filed with the state ethics commission in the manner prescribed by the commission it.

"(b) After leaving a public agency or office, no former public official or public employee shall enter into a contract with any governmental agencies the public agency or office with which he or she formerly served or was employed for a period of two years after termination of his or her service or employment. This subsection shall not be applicable to supernumerary classifications established by law prior to the effective date of the act amending this subsection. This subsection shall not be applicable to former employees of the Legislature possessing unique expertise, knowledge, or skill. For purposes of this subsection, contract does not include an employee/employer relationship. unless within five days of entering into said contract notice is filed with the commission of his previous status as a public official or employee and a copy of the contract provided."

"§36-25-14.

"(a) A statement of economic interests must shall be completed and filed in accordance with the provisions of this chapter with the state ethics commission no later than April 30 of each year covering the period of the preceding calendar year by the following persons: 1) Elected public officials. 2) Appointed public officials who occupy a position paying forty thousand dollars (\$40,000) or more annually. 3) Public employees who occupy a position paying forty thousand dollars (\$40,000) or more annually. all elected public officials at the state, county or municipal level of government or their instrumentalities and any person appointed as a public official or employed as a public employee at the state, county or municipal level of government or their instrumentalities who occupies a position paying \$25,000.00 or more annually. Such The statement shall be made on a form provided by the commission and shall contain all of the following information on the person making such the filing:

"(1) Name, residential address, business; , name and address of living spouse, minor and dependent children, adult children, parents, brothers and sisters, and, to the best of his or her knowledge, the principal occupation of each of these persons;_

"(2) A list of ~~occupation(s)~~ occupations to which one third or more of working time was given during the previous reporting year by the filing public official or public employee and the spouse of the public official or public employee.;

"(3) A listing of total combined family income of the public official or public employee during the most recent reporting year as to income from salaries, fees, dividends, profits, commissions, and other compensation from any business doing business in Alabama and a listing of the names of each business and the income derived from such business in the following categorical amounts: Less than \$1,000.00 one thousand dollars (\$1,000); at least \$1,000.00 one thousand dollars (\$1,000) and less than \$10,000.00 ten thousand dollars (\$10,000); at least ten thousand dollars (\$10,000) and less than twenty-five thousand dollars (\$25,000); at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars

(\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000) and less than two hundred fifty thousand dollars (\$250,000); at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000); at least five hundred thousand dollars (\$500,000) and less than one million dollars (\$1,000,000); and one million dollars (\$1,000,000) or more.
~~\$10,000.00 or more; further, the~~ The person reporting shall name any business or subsidiary thereof in which he or she or his or her spouse or dependents, jointly or severally, own one tenth or more of the stock or in which he or she or his or her spouse serves as an officer, director, trustee, or consultant where such service provides income of more than ~~\$1,000.00~~ one thousand dollars (\$1,000) for the reporting period; _

"(4) If the filing public official or public employee, or his or her spouse, has engaged in a business during the last reporting year which provides legal, accounting, medical or health related, real estate, banking, insurance, educational, farming, engineering, architectural, management, or other professional services or consultations, ~~then the filing party shall report the number of clients of such the~~ business in each of the following categories and the income in categorical amounts received during the reporting period from the combined number of clients in each category: electric utilities, gas utilities, telephone utilities, water utilities, cable television companies, intrastate transportation companies, pipeline companies, oil ~~and/or~~ or gas exploration companies, or both, oil and gas retail companies, banks, savings and loan associations, loan ~~and/or~~ or finance companies, or both, manufacturing firms, mining companies, life insurance companies, casualty insurance companies, and other insurance companies, retail companies, beer, wine ~~and/or~~ or liquor companies or distributors, or any combination thereof, trade associations, professional associations, governmental associations, associations of public employees or public officials, counties, and any other businesses or associations that the commission may deem appropriate. Amounts received from combined clients in each category shall be reported as: ~~less than \$1,000.00; more than \$1,000.00 but less than \$10,000.00; \$10,000.00 or above; less than one thousand dollars (\$1,000); at least one thousand dollars (\$1,000) and less than ten thousand dollars (\$10,000); at least ten thousand dollars (\$10,000) and less than twenty-five thousand dollars (\$25,000); at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000) and less than two hundred fifty thousand dollars (\$250,000); at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000); at least five hundred thousand dollars (\$500,000) and less than one million dollars (\$1,000,000); and one million dollars (\$1,000,000) or more.~~

"(5) If retainers are in existence or contracted for in any of the above categories of clients, a listing of the categories along with the anticipated income to be expected annually from each category of clients shall be shown in the following amounts: ~~less than \$1,250.00; \$1,250.00 or more; less than one~~

thousand dollars (\$1,000); at least one thousand dollars (\$1,000) and less than ten thousand dollars (\$10,000); at least ten thousand dollars (\$10,000) and less than twenty-five thousand dollars (\$25,000); at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000) and less than two hundred fifty thousand dollars (\$250,000); at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000); at least five hundred thousand dollars (\$500,000) and less than one million dollars (\$1,000,000); and one million dollars (\$1,000,000) or more.

"(6) If real estate that is held for investment or is revenue producing is held production by a public official, or his or her spouse or dependents, then a listing thereof by the following categories of fair market value: ~~under \$50,000.00; at least \$50,000.00 but less than \$250,000.00; \$250,000.00 or more; less than one thousand dollars (\$1,000); at least one thousand dollars (\$1,000) and less than ten thousand dollars (\$10,000); at least ten thousand dollars (\$10,000) and less than twenty-five thousand dollars (\$25,000); at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000) and less than two hundred fifty thousand dollars (\$250,000); at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000); at least five hundred thousand dollars (\$500,000) and less than one million dollars (\$1,000,000); and one million dollars (\$1,000,000) or more.~~ A listing shall also be made by and the following categories of annual gross rent and lease income on real estate: ~~less than \$10,000.00; at least \$10,000.00 and less than \$50,000.00; \$50,000.00 or more.~~ less than one thousand dollars (\$1,000); at least one thousand dollars (\$1,000) and less than ten thousand dollars (\$10,000); at least ten thousand dollars (\$10,000) and less than twenty-five thousand dollars (\$25,000); at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000) and less than two hundred fifty thousand dollars (\$250,000); at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000); at least five hundred thousand dollars (\$500,000) and less than one million dollars (\$1,000,000); and one million dollars (\$1,000,000) or more. Furthermore, if a public official or a business in which ~~he~~ the person is associated receives rent or lease income from any governmental agency in Alabama, specific details of the lease or rent agreement shall be filed with the commission; _

"(7) A listing of indebtedness to businesses operating in Alabama showing types and number of each as follows: Banks, savings and loan associations, insurance companies, mortgage firms, and stockbrokers ~~(the commission shall add additional categories as it deems necessary);~~ and the indebtedness to combined organizations in each category in amounts as follows: ~~Less than~~

\$25,000.00; \$25,000.00 but less than \$50,000.00; \$50,000.00 but less than \$100,000.00; \$100,000.00 or more. less than \$1,000.00 one thousand dollars (\$1,000); at least \$1,000.00 one thousand dollars (\$1,000) and less than \$10,000.00 ten thousand dollars (\$10,000); at least ten thousand dollars (\$10,000) and less than twenty-five thousand dollars (\$25,000); at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000) and less than two hundred fifty thousand dollars (\$250,000); at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000); at least five hundred thousand dollars (\$500,000) and less than one million dollars (\$1,000,000); and one million dollars (\$1,000,000) or more. The commission may add additional businesses to this listing. Indebtedness associated with the homestead of the person filing is exempted from this disclosure requirement.

"(b) Filing required by this section shall reflect information and facts in existence at the end of the reporting year.

"(c) ~~In the event that said~~ If the information required herein is not filed as required, the commission shall notify the public official or public employee concerned as to his or her failure to ~~se~~ file and the public official or public employee shall have 10 days to file ~~said~~ the report after receipt of ~~said~~ the notification.

"(b) (d) After the original filing of the ~~above~~ prescribed statement(s) ~~statement~~, each person shall make additional subsequent filing within 90 days after the termination of each succeeding reporting year. ~~Filings required by subdivisions (5), (6) and (7) of subsection (a) of this section shall reflect information and facts in existence at the end of the reporting year."~~

"§36-25-15.

"(a) Within 10 days after ~~he becomes~~ becoming a candidate for ~~state~~ public office, ~~each~~ the candidate shall file a statement of economic interests as prescribed by the commission and in keeping with this chapter ~~at the office of the state ethics with the~~ commission.

"(b) Each election official who receives a declaration of candidacy or petition to appear on the ballot for election as ~~from a state official~~ candidate for public office and each official who nominates a person to serve as a state public official shall, within ~~five~~ 10 days of such receipt or nomination, notify the ~~state ethics~~ commission of the name of ~~each new~~ the candidate for state public office, as defined in this chapter, and the date on which ~~such~~ the person became a candidate for public office.

"(c) ~~The state ethics~~ commission shall notify ~~such official~~ the election official or the political party of the candidate who received the declaration of candidacy or petition, and, in the case of candidates for appointive public office who are

appointed, the clerk or secretary of the body that will approve or disapprove the nomination, of the name of ~~each candidate~~ candidates for public office who files filed a statement of economic interests at the office of the commission and of the date on which ~~such~~ the statement was filed.

"(d) Other provisions of the law notwithstanding, if a candidate for ~~elective~~ public office does not submit a statement of economic interests in accordance with the requirements of this chapter within 10 days after ~~he becomes~~ becoming a candidate, ~~his~~ the name of the person shall not appear on the ballot. However, the ~~state ethics~~ commission may ~~in its discretion~~ allow the candidate for public office an additional ~~five~~ 10 days to file ~~such~~ the statement of economic interests because of mistake, omission, error, or other good cause. If a statement of economic interests is not filed within the required time, the commission shall immediately certify to the proper election official the failure of the candidate to comply. The election official shall remove the name of the candidate for public office from the ballot.

"(e) If a person who becomes a candidate for ~~appointive~~ public office by nomination fails to file a statement of economic interests in accordance with ~~the provisions of~~ this chapter within 10 days after such nomination, the nomination shall not be approved or ratified until at least 10 days after ~~he~~ the person has filed ~~such~~ the statement of economic interests."

"§36-25-16.

"(a) When any citizen of the state or business with which ~~he~~ the person is associated represents for a fee any person before a state regulatory agency, ~~or~~ commission, or department of the executive branch, ~~he or she~~ shall report to the ~~state ethics~~ commission the name of any adult child, parent, spouse, brother, or sister who is an public official or an public employee of that state regulatory agency, ~~or~~ commission, or department of the executive branch.

"(b) When any citizen of the state or business with which ~~he~~ the person is associated enters into a contract for the sale of goods or services to the ~~state~~ State of Alabama or any of its agencies in amounts exceeding \$1,000.00 one thousand dollars (\$1,000), ~~he or she~~ shall report to the ~~state ethics~~ commission ~~the names~~ name of any adult child, parent, spouse, brother, or sister who is ~~an~~ a public official or public employee of the agency or department with whom the contract is made. This section shall not apply to any contract for the sale of goods or services awarded through a process of public notice and competitive bidding.

"(c) Each state regulatory agency, commission, ~~or~~ department of the executive branch, or any agency of the ~~state~~ State of Alabama shall be responsible for notifying citizens affected by this chapter of the requirements of this provision section.

"§36-25-17.

"(a) Every governmental agency head shall file reports with the commission on any matters that come to his or her attention which may constitute a violation of this chapter.

"(b) ~~Every governmental~~ Governmental agency ~~heads~~ head shall cooperate in every possible manner in connection with any investigation or hearing, public or private, which may be conducted by the commission.

~~"(c) The commission shall prepare and publish, prior to the implementation of this chapter, procedures for review or appeal of any action taken against or in regard to any person covered in this chapter.~~

"(c)(1) A state, county, or municipal agency, department, or authority shall not discharge a person who files a complaint pursuant to Section 36-25-4, or a person assisting or acting on behalf of a complainant including, but not limited to, a state, county, or municipal official or employee, because of either of the following:

"a. The complainant or a person assisting or acting on behalf of a complainant, reports, in writing, a violation or a suspected violation of this chapter.

"b. A complainant or a person assisting or acting on behalf of a complainant, is requested by the commission to participate in an investigation, hearing, or inquiry held by the commission or is requested to participate in any related court action.

"(2) A state, county, or municipal agency, department, or authority shall not threaten or discriminate against a person who files a complaint pursuant to Section 36-25-4, or a person assisting or acting on behalf of a complainant including, but not limited to, a state, county, or municipal official or employee, regarding compensation, terms, conditions, location, or privileges of employment because of either of the following:

"a. The complainant or a person assisting or acting on behalf of a complainant, reports, in writing, a violation or a suspected violation of this chapter.

"b. A complainant or a person assisting or acting on behalf of a complainant, is requested by the commission to participate in an investigation, hearing, or inquiry held by the commission or is requested to participate in any related court action.

"(3) This subsection shall not apply to a complainant or a person assisting or acting on behalf of a complainant, who knowingly makes a false report against any public official, public official elect, or public employee.

"(4) A complainant, or a person assisting or acting on behalf of a complainant, who alleges a violation of this subsection may bring a civil action for appropriate injunctive relief, or actual damages, or both, within 90 days after the occurrence of the alleged violation of this subsection.

"(5) A court, in rendering a judgment in an action brought pursuant to this subsection may order reinstatement of the complainant or a person assisting or acting on behalf of the complainant, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages, or any combination of these remedies. A court may also award the complainant all or a portion of the costs of litigation, including, but not limited to, reasonable attorney fees and witness fees, if the court determines that the award is appropriate."

"§36-25-18.

"(a) Every person employed or retained as a lobbyist shall register by filing a form prescribed by the commission within five days after the first undertaking requiring registration.

"(b) The registration shall be written, verified, and shall contain, but not be limited to, all of the following information:

"(1) The registrant's full name and address;

"(2) The registrant's normal business and business address;

"(3) The full name and address of the principal or principals of the registrant ~~registrant's principal(s);~~

"(4) A listing of the categories of subject matters on which the registrant is to communicate directly with a member of the legislative or executive branch to influence legislation or executive action;

"(5) If a registrant's activities are done on behalf of the members of a group other than a corporation, ~~the registration form shall include~~ a categorical disclosure of the number of members of the group as follows: one through One to five, inclusive; six through 10, inclusive; 11 through 25, inclusive; and over 25;

"(6) A statement signed by the ~~principal(s)~~ principal that ~~he~~ the principal has ~~or they have~~ read the registration, ~~know~~ knows its contents, and has ~~or have~~ authorized the registrant to be a lobbyist in his or her ~~or their~~ behalf as specified therein and that no compensation will be paid to the registrant contingent upon passage or defeat of ~~such measure(s)~~ a particular measure.

"(c) A registrant shall file a supplemental registration indicating any substantial change in the information contained in the prior registration within 10 days after the date of the change.

"§36-25-19.

"(a) Every person registered ~~under~~ as a lobbyist pursuant to section Section 36-25-18 and every principal employing ~~such~~ the lobbyist shall file with the

commission a sworn statement concerning the activities set out in said ~~that~~ section. The report ~~must~~ shall be filed between the first and fifteenth day of each month succeeding a month in which the ~~legislature~~ Legislature is in session ~~covering and shall cover~~ the activities during the previous month. The report shall be written, verified, and contain, but not be limited to, all of the following information:

"(1) All amounts received or expended directly or indirectly for the purpose of carrying on lobbying activities in the following categories: Less than \$1,000.00 one thousand dollars (\$1,000); \$1,000.00 one thousand dollars (\$1,000) through to \$3,000.00 three thousand dollars (\$3,000) inclusive; and more than \$3,000.00 three thousand dollars (\$3,000); but. The report shall not need not include amounts received by such the lobbyist for his personal living expenses nor or amounts received which are reportable as income to him the lobbyist for federal tax purposes unless his or her contract of employment provides that amounts received for such those expenses or as such income may or shall be used for carrying on lobbying activities;

"(2) ~~A detailed statement of any~~ Any money loaned or promised to legislators Legislators or to anyone on their behalf of a Legislator;

"(3) ~~A statement detailing the~~ The extent of any direct business association or partnership with any current member of the legislature Legislature, or public official, or public employee;

"(4) ~~A list of legislation~~ Legislation by category supported or opposed by the registrant, by any person retained or employed by the registrant to appear on his or her behalf, or by any other person appearing on his or her behalf.

"(b) In addition to the report required pursuant to subsection (a), every person registered as a lobbyist pursuant to Section 36-25-18 and every principal employing the lobbyist shall file with the commission quarterly verified reports concerning a listing of: (1) Each instance in which both transportation was provided and lodging and meals were provided by the lobbyist or principal to a public official or public employee to attend meetings, conferences, and similar gatherings for educational or informational purposes; (2) the amounts specifically expended for transportation and the amounts expended for lodging and meals. The reports shall specify the name of the public official or public employee, the dates of the meeting, conference, or gathering, and the specific amounts expended."

"§36-25-20.

"(a) A person who ceases to engage in activities requiring him to register under registration pursuant to section Section 36-25-18 shall file a written, verified statement with the commission acknowledging the termination of activities. The notice is shall be effective immediately.

"(b) ~~A Any person who files a notice of termination under this section must~~ shall file the reports required under sections Sections 36-25-18 and 36-25-19 for any reporting period during which he or she was registered under pursuant to this chapter."

"§36-25-21.

"~~All reports filed under pursuant to sections Sections 36-25-18 36-25-19 and~~ to 36-25-20, inclusive, are public records and shall be made available for public inspection during regular business hours."

"§36-25-22.

"~~The provisions of sections Sections 36-25-18 through to 36-25-21, inclusive, shall not be construed as affecting professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation where such those professional service-is services~~ are not otherwise connected with legislative action."

"§36-25-23.

"~~No former member of the house of representatives or the senate of the state of Alabama shall be extended floor privileges of either body in a lobbying capacity. Without limiting Sections 36-25-6, 36-25-7, and 36-25-12, no public official or public employee shall solicit any lobbyist registered pursuant to Section 36-25-18 to give a thing of value, social occasions, or the costs of transportation or lodging and meals associated with educational or informational purposes to any person or entity. Notwithstanding the foregoing, a public official or candidate may solicit campaign contributions as provided by law. No lobbyist registered pursuant to Section 36-25-18 shall give a thing of value, social occasions, or the costs of transportation or lodging and meals associated with educational or informational purposes to any person or entity in response to a solicitation from a public official or public employee, other than a campaign contribution as provided by law.~~"

"§36-25-24.

"~~Any citizen person wishing to file a complaint against any public official or employee covered by this chapter shall initially file said the complaint with the commission. If the complainant is not satisfied with the action of the commission, If the commission does not take proper action within 45 days, then the said citizen complainant may file the said complaint with the attorney general Attorney General or other officers authorized to enforce this chapter.~~"

"§36-25-25.

"~~(a) Any person who knowingly and intentionally files a false complaint with the commission, or any member of the commission who initiates action against~~

~~any state official, state employee or any other person covered by this chapter, knowing such complaint to be false or inaccurate, shall be guilty of the crime of malicious prosecution.~~

~~"(b) Whoever is convicted in a court of competent jurisdiction of the crime of malicious prosecution, in addition to any other punishment prescribed by law therefor, shall also be required by court order to reimburse the person against whom the false complaint was filed for all of his legal expenses and any other expenses incurred in relation to the accused defending himself against the false complaint. If such complaint is filed within six months prior to an election in which the accused's name appears on the ballot, the person filing the false complaint shall pay to the accused the amount set out above plus an equal amount to the general fund of the state.~~

"(a)(1) A person commits the crime of wanton false reporting to the commission if he or she knowingly and wantonly makes or transmits a false report or complaint against a public official, public employee, or candidate for public office.

"(2) Wanton false reporting to the commission is a Class C felony.

"(b)(1) A person commits the crime of false reporting to the commission if he or she knowingly makes or transmits a false report or complaint against a public official, public employee, or candidate for public office.

"(2) False reporting to the commission is a Class A misdemeanor.

"(c) If any person, accused of violating this chapter, is acquitted upon trial, or if charges are dropped prior to trial, then such the person may, in the discretion of the court or jury, recover in a civil action from the complainant person who brought the charge against him a sum equal to three times the damages thereby caused together with reasonable attorney's fees and costs of the action."

"§36-25-26.

"No person, for the purpose of influencing legislation, may do any of the following:

(1) Knowingly or willfully make any false statement or misrepresentation of the facts to a member of the legislative or executive branch; or.

"(2) Knowing a document to contain a false statement, cause a copy of the document to be received by a member of the legislative or executive branch without notifying such the member in writing of the truth."

"§36-25-27.

"(a) (1) Except as otherwise provided, any Any person subject to this chapter who knowingly or willfully violates any provisions of this chapter, other than the requirements of financial and lobbying disclosure, shall be found guilty of a felony and shall be fined not more than \$10,000.00 ten thousand dollars (\$10,000) or less than \$2,001.00 two thousand one dollars (\$2,001), or shall be imprisoned for not more than 10 years but not less than two years or any combination thereof.

"(2) Any person subject to this chapter who knowingly or willfully violates any disclosure requirement of this chapter shall be ~~found~~ guilty of a misdemeanor, and shall be punished by a fine of ~~\$10.00 ten dollars (\$10)~~ a day for each day the appropriate disclosure statement is delinquent or the proper information is unreported, but not to exceed \$1,000.00 one thousand dollars (\$1,000) annually.

"(b) All prosecutions for violations of ~~the provisions of this chapter~~ shall be initiated and prosecuted by the ~~attorney general~~ Attorney General of the state or by the district attorney having jurisdiction of the offense.

"(c) The penalties prescribed in this chapter do not limit the power of either house of the ~~legislature~~ Legislature to discipline its own members or to impeach public officials and do not limit the powers of agencies or commissions to discipline their respective officials or employees.

"(d) The circuit courts of this state shall have jurisdiction of all cases and actions relative to violations or the enforcement of this chapter, and the venue of any action under this chapter shall be in the county of the residence of the defendant.

"(e) Nothing in this chapter is intended to nor is to be construed as repealing ~~in any way the provisions of~~ any of the criminal laws of this state."

"§36-25-28.

"Nothing in ~~the provisions of~~ this chapter shall be construed as to deprive any citizen not lobbying for hire of his the citizen's constitutional right to communicate with members of the ~~legislature~~ Legislature."

"§36-25-29.

"~~The legislature~~ Legislature shall annually and otherwise appropriate such those sums as it deems necessary to implement ~~the provisions of~~ and administer this chapter."

"§36-25-30.

"This chapter shall be construed in pari materia with all other laws dealing with the subject matter ~~hereof of~~ ethics, and ~~repeals shall repeal~~ all laws and parts of laws in conflict ~~herewith~~."

Section 4. All proceedings pending and all rights and liabilities existing, acquired, or incurred prior to and as of the effective date of this act are hereby saved and may be consummated according to the law in force when they were commenced. This act shall not be construed to affect any prosecution pending or begun before the effective date of this act.

Section 5. Sections 1 and 3 of this act shall be implemented on January 15, 1994.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute offered by Representative Hammett was adopted.

Yeas 57; Nays 31.

Yea:

Mr. Speaker, Anderson, Barnes, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carter, Clay, Collins, Crow, Cullins, Dolbare, Drake, Ford, Gaines, Goodwin, Gullatt, Hammett, Haney, Harper, Harvey, Hawkins, Hilliard, Hogan, Holley, Holmes, Hooper, Kennedy, Knight (J), Letson, Lindsey, McClain, McDaniel, McMillan, Millican, Parker (T), Penry, Petelos, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (R), Starkey, Turner, Warren, White, Willis and Zoghby.

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Nay:

Representatives Beasley, Biddle, Box, Curry, Freeman, Gaston, Hall, Hamilton, Haynes, Higginbotham, Hill, Holladay, Johnson, Knight (A), Kvalheim, Laird, Layson, McKee, Mikell, Morrow, Morton, Newton (C), Page, Parker (P), Payne, Poole, Powell, Rogers (F), Smith (C), Turnham and Walker.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Parker (T) inadvertently voted "Yea" and intended to vote "Nay" on the adoption of the substitute to the bill, S. 32.

And the bill, S. 32, as amended, was read a third time at length and passed.

Yeas 87; Nays 6.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDaniel, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Walker, Warren, White, Willis and Zoghby.

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Nay:

Representatives Hamilton, Higginbotham, McKee, Mikell, Powell and Turnham.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 37. To amend Sections 23-1-20 and 23-1-21, Code of Alabama 1975, to change the name of the State Highway Department to the Department of Transportation and change the title of the Highway Director, to the Director of Transportation.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 80. To authorize certain veterans and active reserve members of the United States Armed Forces to purchase a distinctive motor vehicle license tag; and for this purpose to amend Section 32-6-150, Code of Alabama 1975.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 84. RELATIVE TO MEETING DAYS

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 46. Relating to compensation for the Houston County Commission; converting the existing expense allowance to salary compensation commencing with the next term of office.

Also:

H. 90. Relating to the City of Wilmer in Mobile County, Alabama, by providing for a referendum election on the question of dissolution of the City of Wilmer, and for disposition of certain city services including radio communication should the voters elect to dissolve the city.

Also:

H. 102. Relating to Montgomery County; providing an expense allowance for the sheriff of Montgomery County; providing for an expiration date thereof; providing for an adjustment in said compensation; providing manner in which compensation shall be paid and provides for enactment date.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 47. Relating to Houston County; providing for the establishment of an employee incentive program for certain Houston County employees.

Also:

H. 54. To create a new circuit judgeship in the Sixth Judicial Circuit.

Also:

H. 56. Relating to Houston County; providing further for the compensation of the members of the board of registrars.

McDOWELL LEE
Secretary

BILLS ON THIRD READING

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 88. (With Amendment): Providing for an election for a constitutional convention to revise and amend the Constitution of Alabama of 1901.

which was carried over of the fifth legislative day was again taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend H. 88 on Page 5, Line 2, by deleting 1993 and inserting in lieu thereof the following: 1994

RECESS

On motion of Representative Haynes, the House recessed until the call of the Chair.

Yeas 47; Nays 22.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Bowling, Bryant, Buskey, Carns, Clark (W), Clay, Collins, Dolbare, Flowers, Freeman, Goodwin, Hall, Hamilton, Haney, Harper, Hawkins, Haynes, Higginbotham, Hilliard, Hogan, Holmes, Hooper, Kennedy, Knight (J), Laird, Layson, Lindsey, McKee, Melton, Millican, Morrow, Payne, Poole, Rogers (J), Smith (C), Smith (R), Spratt, Walker, Williams and Willis.

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Nay:

Representatives Box, Burke, Curry, Gaines, Gaston, Gullatt, Hill, Johnson, Knight (A), Kvalheim, Letson, McMillan, Mikell, Morton, Newton (C), Parker (P), Petelos, Rockhold, Sanderson, Turner, Turnham and Zoghby.

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HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 32. Relating to the State Ethics Law; defining certain terms; conforming certain provisions to those terms; making technical nonsubstantive changes; increasing the membership of the commission and providing for the method of filling vacancies; providing for the promulgation of rules and regulations; requiring the recording of proceedings and the preservation of the records; specifying the procedure for the issuance of advisory opinions; requiring that investigative matters remain confidential and providing penalties for violations; providing a procedure for processing a complaint, and for offering the respondent a right to participate; providing a procedure for conducting an investigation and a hearing; providing a procedure for the subpoena of evidence; revising the statement of economic interests; specifying the procedure to be used to remove a candidate from the ballot; requiring lobbyists and principals to file additional information; prohibiting public officials and public employees from soliciting a thing of value or certain costs and prohibiting a lobbyist from satisfying such a solicitation; to prevent certain former public officials and public employees from lobbying and contracting with public agencies for a certain period of time after their public service; to provide certain employment protection and civil remedies to persons filing a complaint; creating the crime of wanton false reporting of a complaint and false reporting of a complaint and prescribing criminal penalties; permitting the recovery of attorney fees in a civil action; and amending Sections 36-25-1 to 36-25-30, inclusive, Code of Alabama 1975.

and requests a Committee on Conference.

And the President Pro Tempore and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Dial, Lindsey, and Langford.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hammett, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 32.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDaniel, McDowell, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Harper, Hammett and Kennedy on the disagreement of the two Houses on the House amendment to the bill, S. 32.

RESOLUTION

The following resolution was introduced:

By Representative Turner:

H.R. 87. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H.B. 90 PROVIDING THAT ALL REMAINING OBLIGATIONS, PROPERTIES, AND ASSETS OF THE CITY SHALL BE DISPOSED OF BY THE MOBILE COUNTY COMMISSION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, H.B. 90, a copy of which is attached to this resolution and made a part hereof by reference:

Does Section 3(b) of H.B. 90 conflict with existing law pertaining to the disposition of all remaining obligations, properties, and assets of the City of Wilmer?

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send sufficient true copies of the pending bill, H.B. 90, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

On motion of Representative Turner, the rules were suspended and the resolution, H.R. 87, was adopted.

Yeas 62; Nays 5.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall, Harper, Hawkins, Haynes, Hill, Hilliard, Hogan, Holley, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McKee, McMillan, Mikell, Morrow, Morton, Payne, Penry, Petelos, Poole, Richardson, Rockhold, Rogers (F), Smith (C), Spratt, Starkey, Turner, Turnham, Williams and Zoghby.

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Nay:

Representatives Barnes, Holmes, McClain, Melton and Rogers (J).

- 5

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 82. To create the Infected Health Care Worker Management Act; to require reporting of an infected health care worker to the State Health Officer; to require an infected health care worker to submit to review by an expert review panel; to authorize the State Health Officer to undertake a review of the practice of an infected health care worker to determine if invasive procedures are performed by the worker; to authorize the creation of expert review panels and provide for their composition and duties; to authorize the State Health Officer to issue restrictions on the practice of the infected health care worker; to provide an appeal process; to authorize the monitoring of the practice of the infected health care worker and to require reporting of violations to the State Health Officer; to provide grounds for revocation, suspension, or restriction of infected health care workers licensed by licensing boards; to require infected health care workers and third

parties with records or information to provide records or other information and to cooperate with an investigation; to provide immunity from civil and criminal liability for individuals, agencies, experts, and committees involved in the investigation of an infected health care worker; to create confidentiality standards and to provide for uses of the information gained during an investigation; to authorize promulgation of rules for administration of this act; to enable the State Board of Health to file suit in circuit court to compel compliance; and to provide penalties for violation of this act.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 66. To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Covington County.

Also:

H. 67. Proposing an amendment to the Constitution of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in Covington County.

McDOWELL LEE
Secretary

RESOLUTIONS

The following resolutions were introduced:

By Representative Cosby:

H.J.R. 88. CREATING THE ALABAMA SMALL BUSINESS ENVIRONMENTAL ADVISORY PANEL.

WHEREAS, the State of Alabama is diligently working to expand economic opportunities; and

WHEREAS, small business is a primary source of future economic development and job creation; and

WHEREAS, federally mandated environmental requirements will increasingly impact small businesses; and

WHEREAS, the Alabama Department of Environmental Management is developing a small business technical assistance program to assist Alabama's small businesses in complying with these requirements; and

WHEREAS, the Clean Air Amendment of 1990 requires that an advisory panel be established; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Small Business Environmental Advisory Panel is created. The panel shall be composed of eleven members to be appointed as follows: three members who will represent the general public and are not owners of small business stationary sources shall be appointed by the Governor; three members who are owners, or represent owners, of small business stationary sources shall be appointed by the Lieutenant Governor or the presiding officer of the Senate; three members who are owners, or represent owners, of small business stationary sources shall be appointed by the Speaker of the House of Representatives; the director of the department shall appoint one member to represent the department; and one member shall be appointed by the Chairman of the Environmental Management Commission. All initial and successor terms of service shall be for two years. Successors shall be appointed by the same authorities that appoint the original members. The panel shall select its Chair and Vice Chair by majority vote and each shall serve a one year term. The panel shall meet at least twice per year and upon the call of the Chair, and a quorum is necessary to conduct business.

BE IT FURTHER RESOLVED, That the panel shall have the following duties:

(1) To render advisory opinions to the Environmental Protection Agency and the department on the effectiveness of the Small Business Technical and Environmental Assistance Group located within the department, any difficulties encountered, and enforcement actions related to small businesses.

(2) To prepare periodic reports to the Environmental Protection Agency and the department on the compliance status of the Assistance Group relative to the provisions of the Paperwork Reduction Act, the Regulatory Flexibility Act, and the Equal Access to Justice Act.

(3) To review information for small business to assure that such information is understandable by laypersons.

BE IT FURTHER RESOLVED, That the director of the department shall provide the necessary clerical assistance for the work of the panel.

On motion of Representative Cosby, the rules were suspended and the resolution, H.J.R. 88, was adopted.

Also:

By Representative Knight (A):

H.J.R. 89. COMMENDING BUFFY THOMAS ON EARNING THE GIRL SCOUT GOLD AWARD.

WHEREAS, Buffy Thomas, a member of Girl Scout Troop 167 in North Shelby County, was recently awarded the Girl Scout Gold Award; and

WHEREAS, the Girl Scout Gold Award is the highest award in Girl Scouts and is equivalent to the Eagle Scout rank in the Boy Scout program; and

WHEREAS, the final project to earn the award consisted of planning, organizing, and carrying out a program for younger Girl Scouts at the Kanawahala Program Center, the Girl Scout Camp near Chelsea; and

WHEREAS, the program presented was entitled "Just Juniors Jiving" and consisted of a one day event presenting activities from each of the five worlds of Girl Scouting; and

WHEREAS, the successful program, offered to every junior girl in the Cahaba Girl Scout Council, was attended by 111 Girl Scouts and 39 Girl Scout leaders from across the Council; and

WHEREAS, the achievement of the Gold Award was the culmination of years of hard work sprinkled with memories of fun and fellowship as a Girl Scout; and

WHEREAS, Buffy Thomas is outstanding in her activities in school, church, and the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Buffy Thomas is heartily commended on earning the Girl Scout Gold Award and for the high standard of personal achievement and community service that the award represents.

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared for appropriate presentation to Miss Thomas.

On motion of Representative Knight (A), the rules were suspended and the resolution, H.J.R. 89, was adopted.

Also:

By Representative Knight (A):

H.J.R. 90. COMMENDING NAOMI NELSON ON EARNING THE GIRL SCOUT GOLD AWARD.

WHEREAS, Naomi Nelson, a member of Girl Scout Troop 167 in North Shelby County, was recently awarded the Girl Scout Gold Award; and

WHEREAS, the Girl Scout Gold Award is the highest award in Girl Scouts and is equivalent to the Eagle Scout rank in the Boy Scout program; and

WHEREAS, the final project to earn the award consisted of planning, organizing, and carrying out a program for younger Girl Scouts at the Kanawahala Program Center, the Girl Scout Camp near Chelsea; and

WHEREAS, the program presented was entitled "Just Juniors Jiving" and consisted of a one day event presenting activities from each of the five worlds of Girl Scouting; and

WHEREAS, the successful program, offered to every junior girl in the Cahaba Girl Scout Council, was attended by 111 Girl Scouts and 39 Girl Scout leaders from across the Council; and

WHEREAS, the achievement of the Gold Award was the culmination of years of hard work sprinkled with memories of fun and fellowship as a Girl Scout; and

WHEREAS, Naomi Nelson is outstanding in her activities in school, church, and the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Naomi Nelson is heartily commended on earning the Girl Scout Gold Award and for the high standard of personal achievement and community service that the award represents.

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared for appropriate presentation to Miss Nelson.

On motion of Representative Knight (A), the rules were suspended and the resolution, H.J.R. 90, was adopted.

Also:

By Representative Knight (A):

H.J.R. 91. COMMENDING MARCIE MILLARD ON EARNING THE GIRL SCOUT GOLD AWARD.

WHEREAS, Marcie Millard, a member of Girl Scout Troop 167 in North Shelby County, was recently awarded the Girl Scout Gold Award; and

WHEREAS, the Girl Scout Gold Award is the highest award in Girl Scouts and is equivalent to the Eagle Scout rank in the Boy Scout program; and

WHEREAS, the final project to earn the award consisted of planning, organizing, and carrying out a program for younger Girl Scouts at the Kanawahala Program Center, the Girl Scout Camp near Chelsea; and

WHEREAS, the program presented was entitled "Just Juniors Jiving" and consisted of a one day event presenting activities from each of the five worlds of Girl Scouting; and

WHEREAS, the successful program, offered to every junior girl in the Cahaba Girl Scout Council, was attended by 111 Girl Scouts and 39 Girl Scout leaders from across the Council; and

WHEREAS, the achievement of the Gold Award was the culmination of years of hard work sprinkled with memories of fun and fellowship as a Girl Scout; and

WHEREAS, Marcie Millard is outstanding in her activities in school, church, and the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Marcie Millard is heartily commended on earning the Girl Scout Gold Award and for the high standard of personal achievement and community service that the award represents.

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared for appropriate presentation to Miss Millard.

On motion of Representative Knight (A), the rules were suspended and the resolution, H.J.R. 91, was adopted.

Also:

By Representative Knight (A):

H.J.R. 92. COMMENDING CARRIE BURRITT ON EARNING THE GIRL SCOUT GOLD AWARD.

WHEREAS, Carrie Burritt, a member of Girl Scout Troop 167 in North Shelby County, was recently awarded the Girl Scout Gold Award; and

WHEREAS, the Girl Scout Gold Award is the highest award in Girl Scouts and is equivalent to the Eagle Scout rank in the Boy Scout program; and

WHEREAS, the final project to earn the award consisted of planning, organizing, and carrying out a program for younger Girl Scouts at the Kanawahala Program Center, the Girl Scout Camp near Chelsea; and

WHEREAS, the program presented was entitled "Just Juniors Jiving" and consisted of a one day event presenting activities from each of the five worlds of Girl Scouting; and

WHEREAS, the successful program, offered to every junior girl in the Cahaba Girl Scout Council, was attended by 111 Girl Scouts and 39 Girl Scout leaders from across the Council; and

WHEREAS, the achievement of the Gold Award was the culmination of years of hard work sprinkled with memories of fun and fellowship as a Girl Scout; and

WHEREAS, Carrie Burritt is outstanding in her activities in school, church, and the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Carrie Burritt is heartily commended on earning the Girl Scout Gold Award and for the high standard of personal achievement and community service that the award represents.

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared for appropriate presentation to Miss Burritt.

On motion of Representative Knight (A), the rules were suspended and the resolution, H.J.R. 92, was adopted.

Also:

By Representative Knight (A):

H.J.R. 93. COMMENDING CARRIE BURRITT, MARCIE MILLARD, NAOMI NELSON, AND BUFFY THOMAS ON EARNING THE GIRL SCOUT GOLD AWARD.

WHEREAS, Carrie Burritt, Marcie Millard, Naomi Nelson, and Buffy Thomas, all members of Girl Scout Troop 167 in North Shelby County, were recently awarded the Girl Scout Gold Award; and

WHEREAS, the Girl Scout Gold Award is the highest award in Girl Scouts and is equivalent to the Eagle Scout rank in the Boy Scout program; and

WHEREAS, the final project to earn the award consisted of planning, organizing, and carrying out a program for younger Girl Scouts at the Kanawahala Program Center the Girl Scout Camp near Chelsea; and

WHEREAS, the program presented was entitled "Just Juniors Jiving" and consisted of a one day event presenting activities from each of the five worlds of Girl Scouting; and

WHEREAS, the successful program, offered to every junior girl in the Cahaba Girl Scout Council, was attended by 111 Girl Scouts and 39 Girl Scout leaders from across the Council; and

WHEREAS, the achievement of the Gold Award was the culmination of years of hard work sprinkled with memories of fun and fellowship as Girl Scouts; and

WHEREAS, each of these girls are outstanding in their activities in school, church, and the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Carrie Burritt, Marcie Millard, Naomi Nelson, and Buffy Thomas, all members of Troop 167 of the Cahaba Girl Scout Council, are heartily commended on earning the Girl Scout Gold Award and for the high standard of personal achievement and community service that the award represents.

BE IT FURTHER RESOLVED, That copies of this resolution be prepared for appropriate presentation to each Gold Award recipient.

On motion of Representative Knight (A), the rules were suspended and the resolution, H.J.R. 93, was adopted.

Also:

By Representatives Butler, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 94. WISHING TOM C. MAHER A SPEEDY RECOVERY.

WHEREAS, it is with sincere friendship that we extend our very best wishes to Tom Maher, who underwent surgery at UAB Hospital on Friday, August 20, 1993; and

WHEREAS, we are pleased to learn, however, that his condition improved considerably over this past weekend, and we are hopeful that he will continue to improve rapidly, and will soon be returning home to Montgomery; and

WHEREAS, Tom Clayton Maher is, of course, senior fiscal analyst, as well as data systems analyst, for the Legislative Fiscal Office, and is an invaluable employee upon whom we rely heavily for information, advice and counsel with respect to the budget, appropriation bills, expenditures, estimated future revenues, and related information; and

WHEREAS, Tom Maher, who came to Montgomery and the Legislative Fiscal Office from Mobile, where he was employed by the City of Mobile, is a native of Connecticut; he is a graduate of Bates College, Lewiston, Maine, and received a Master's degree from the University of South Alabama; and

WHEREAS, the members of the Legislature have come to know Tom as a truly fine person with a wonderful disposition and a ready smile; we also know and admire him for his strong faith in the face of adversity, and acknowledge that he is an inspiration to us all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend all best wishes to Tom Maher for the speediest possible recovery, and direct that he receive a copy of this resolution that he, his wife, Lisa, and their daughter, Megan, may know that, during this time, they are much in our thoughts and prayers.

On motion of Representative Butler, the rules were suspended and the resolution, H.J.R. 94, was adopted.

Also:

By Representative Laird:

H.J.R. 95. DESIGNATING OCTOBER 17-24, 1993, AS ALABAMA TEXTILE WEEK.

WHEREAS, Alabama is the fourth largest textile-producing state in the nation; and

WHEREAS, the textile-apparel industry employs almost one-third of the manufacturing work force in the state, and is the state's largest taxpayer; and

WHEREAS, Alabama's textile-apparel industry is the state's largest manufacturing industry, employing more than 101,000 quality men and women in a variety of rewarding careers; and

WHEREAS, the industry has facilities and plants in all 67 counties of the state, providing an annual payroll of 1.7 billion dollars; and

WHEREAS, the industry is the nation's largest industrial employer, accounting for one-eighth of all American industrial employees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of October 17-24, 1993, is designated "Alabama Textile Week."

On motion of Representative Laird, the rules were suspended and the resolution, H.J.R. 95, was adopted.

Also:

By Representatives Flowers and Kvalheim:

H.J.R. 96. HONORING THE LEGACY AND RENEWING THE PURPOSE
OF THE AMERICAN LEGISLATIVE EXCHANGE COUNCIL

WHEREAS, our American Republic was founded on the three pillars of freedom: personal liberty, limited government, and free enterprise; and organized to sustain that freedom through a commitment to shared sovereignty and federalism; and

WHEREAS, throughout the history of our Republic, our national commitment to these three principles has steadily eroded, undermining first, federalism, and then the freedom which it safeguarded; and

WHEREAS, in 1973, a small group of visionary state and federal lawmakers, acting in the highest spirit of federalism, founded the American Legislative Exchange Council (ALEC) to defend these principles of a free American Republic; and

WHEREAS, during the last 20 years, the first generation of ALEC leaders defined the empowerment agenda which inspires modern-day conservatism; reaffirmed the entrepreneurial spirit of compassionate capitalism, thereby ensuring individual and economic freedom; established our nation's first Enterprise Zones; launched the state-by-state battle for school improvement; enacted our first tax limitation measures; advanced the first comprehensive agenda for civil justice reform; waged our country's grassroots "War on Drugs"; and much more; and

WHEREAS, during this time, the American Legislative Exchange Council has fulfilled its mission by advancing innovative ideas, coupling these ideas with determined legislative action, and thereby producing extraordinary results which have changed the lives of millions of Americans; and

WHEREAS, the challenges to freedom remain great, manifested most seriously today by government infatuation with environmental extremism, government efforts to "manage" our health care, and government regulations and taxation adversely affecting business and individuals; and

WHEREAS, the American Legislative Exchange Council has grown into the nation's largest bi-partisan voluntary membership organization; and

WHEREAS, the Alabama Legislature congratulates those who have tirelessly served as chair of Alabama's ALEC: Representative Victor Gaston, Senator Larry Dixon, Representative Noopie Cosby, and current state chair, Representative Perry Hooper; additionally, a special thanks is due Michael Ciamarra of the Alabama Family Alliance, who has assisted in building the ALEC profile in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our profound gratitude to the men and women who founded and built ALEC for their selfless dedication and inspired leadership.

BE IT FURTHER RESOLVED, That we reaffirm our commitment to the principles of personal liberty, limited government, and free enterprise which have served as the foundation for American greatness and the beacon of hope for a free world; and that we, inspired by our predecessors' successes and motivated by the principles we share, pledge to overcome the challenges our nation faces and to lead a renaissance of the American Dream.

On motion of Representative Flowers, the rules were suspended and the resolution, H.J.R. 96, was adopted.

Also:

By Representatives Johnson and Haynes:

H.J.R. 97. CONGRATULATING DUDLEY C. ROWE OF ECC INTERNATIONAL.

WHEREAS, it is with great pleasure that the Alabama Legislature recognizes and congratulates Dudley C. Rowe of ECC International on the occasion of his U.S. Citizenship on July 9, 1993; and

WHEREAS, Dudley C. Rowe presently serves as President of Manufacturing for ECC International, which has long played a prominent and vital role in the Alabama community; and

WHEREAS, ECC International purchased Sylacauga Calcium Products in 1986, expanded their operation in 1988 with the acquisition of Cyprus Minerals, another Alabama-based operation, and merged the two to form ECC International Calcium Products, which today employs some 300 Alabamians; and

WHEREAS, Mr. Rowe, a native of Cornwall, England, joined ECC International in 1956 as an apprentice in the engineering department in St. Austell,

England; he came to the United States in 1968, and following service with the company in various roles for a number of years, was promoted to the position of senior vice president of manufacturing in 1983, and to president of manufacturing in 1990; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Dudley C. Rowe of ECC International on recently becoming a United States citizen, and express our appreciation for his many outstanding contributions to Alabama over the years.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. Rowe, that he may know of our sincere regard and warm best wishes on this momentous occasion.

On motion of Representative Johnson, the rules were suspended and the resolution, H.J.R. 97, was adopted.

Also:

By Representative Carter:

H.R. 98. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Monday, August 23, 1993, we adjourn to meet again on Tuesday, August 24, 1993, at 11:00 a.m.

On motion of Representative Carter, the rules were suspended and the resolution, H.R. 98, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 58. To authorize the use of certain non-sectarian voluntary prayer on public property.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House concurred in and adopted the Senate amendment to the bill, H. 58, said Senate amendment being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To permit non-sectarian, non-proselytizing, student-initiated voluntary prayer on public school or other public property, or other property, and at school-related activities, including student sporting events, graduation or commencement ceremonies, and other student assemblies and events; to accommodate religion and speech rights under the First Amendment to the United States Constitution; to provide that nothing in this act shall otherwise diminish the right of any student or person to exercise his or her rights of free speech and religion, including prayer, as permitted by the United States Constitution and the Alabama Constitution on public school, or other public property, or other property, at certain times or events; and to provide that the exercise of these rights on public school or other public property, or on other property for school-related activities, by students or others, shall not be construed to indicate any support, approval, or sanction by the State of Alabama, any political subdivision thereof, municipal corporation, governmental entity of any description, or any agent or employee of any governmental entity of the contents of any such prayer, invocation, benediction, or other activity, or be an unconstitutional use of any public school property or other public property, or to promote or establish any religion or religious belief.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The legislative intent and purpose for this act is to protect the freedom of speech guaranteed by the First Amendment to the United States Constitution and Article 1, Section 4 of the Constitution of Alabama of 1901, to define for the citizens of Alabama the rights and privileges that are accorded them on public school and other public property and at school-related events, and to provide guidance to public school officials on the rights and requirements of law they must apply. Further, the intent and purpose of the Legislature is to properly accommodate the free exercise of religious rights of its student citizens in the public schools and at public school events as mandated by the First Amendment to the United States Constitution and the judicial interpretations thereof as given by the United States Supreme Court.

Section 2. On public school, other public, or other property, non-sectarian, non-proselytizing student-initiated voluntary prayer, invocations and/or benedictions, shall be permitted during compulsory or non-compulsory school-related student assemblies, school-related student sporting events, school-related graduation or commencement ceremonies, and other school-related student events.

Section 3. Nothing in this act shall otherwise diminish the right of any student or person to exercise his or her rights of free speech and religion, including prayer, as permitted by the United States Constitution and the Alabama Constitution on public school or other public property, or other property, at times or events other than those stated in Section 2.

Section 4. The exercise of these rights on public school or other public property, or on other property for school-related activities, by students or others, shall not be construed to indicate any support, approval, or sanction by the State of Alabama, any political subdivision thereof, municipal corporation, governmental entity of any description, or any agent or employee of any governmental entity of the contents of any such prayer, invocation, benediction, or other activity, or be an unconstitutional use of any public school property or other public property, or be the promotion or establishment of any religion or religious belief.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Warren, White, Williams, Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 70. To establish a program to provide early intervention services for infants and toddlers with disabilities and their families.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Turnham, the House concurred in and adopted the Senate amendment to the bill, H. 70, said Senate amendment being as follows:

Amend House Bill 70 on page 11, Section 9, line 27 by deleting the word "and" and inserting in lieu thereof the word "as".

Amend H. 70 on page 12, Section 12, line 12, as follows:

Delete "This act shall be implemented to the extent that appropriations are made for this purpose."

Insert in lieu thereof the following: "Any and all mandates contained in the provisions of this Act shall be mandated only to the extent that funds are appropriated or otherwise made available for the purposes of implementing such mandate."

Yeas 84; Nays 4.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Cagle, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Drake, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Carns, Dolbare, Gaines and Holley.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 44. To provide for the establishment, composition, and powers of the Alabama Agricultural Museum Board.

And the President Pro Tempore and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Bailey, Hill, and Amarl.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 10. To prohibit any person from possessing, without authority, any state, county, or municipal traffic sign; and to provide penalties; to make this act supplemental to any other law not in conflict.

Also:

H. 23. Relating to the Department of Youth Services, to make a supplemental appropriation to the department for the fiscal year ending September 30, 1993, from the Alabama Special Educational Trust Fund.

Also:

H. 25. To amend Section 26-14-3 of the Code of Alabama 1975, to provide that investigations of reports of suspected child abuse or neglect involving discipline or corporal punishment committed in public or private schools or kindergartens or suspected child abuse or neglect committed in state-operated child residential facilities be investigated by law enforcement agencies, and that all other reports of suspected child abuse and neglect be investigated by the Department of Human Resources; to amend Section 26-14-1 of the Code of Alabama 1975, to revise the definition of child sexual abuse and neglect; and to specify the investigatory authority of the Department of Human Resources in cases involving alleged neglect due to inadequate medical treatment based upon legitimate religious practices.

McDOWELL LEE
Secretary

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Harper, House Rules 53 and 58 were suspended in order to permit the Standing Committees on Commerce, Transportation and Utilities and Ways and Means to meet while the House is in Session.

REPORT OF COMMITTEE OF CONFERENCE
ON H. 44, AS SUBSTITUTED

The Committee of Conferees appointed to reconcile the differences between the two Houses concerning House Bill 44 as substituted, have met, considered the matter, and agreed to the following:

Substitute for H. 44 is attached.

JOE CAROTHERS, JR.
JOHN P. BEASLEY
RONALD G. JOHNSON

CONFEREES OF THE HOUSE

CHIP BAILEY
ODELL V. HILL, JR.
JOHN E. AMARI

CONFEREES OF THE SENATE

**A BILL
TO BE ENTITLED
AN ACT**

To provide for the establishment, composition, and powers of the Alabama Agricultural Museum Board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is created and established a public agency of the state to be known as the Alabama Agricultural Museum Board. In accordance with Act No. 92-541, H.J.R. 317 of the 1992 Regular Session (Acts 1992, p. 1149), this board and museum shall be permanently located at Landmark Park in Dothan, Alabama, where it shall maintain buildings, exhibits, and equipment, considered suitable and appropriate for conducting its affairs.

Section 2. It shall be the function and main purpose of the board to recognize the important contribution of agriculture to our state and to preserve, exhibit, display, and interpret artifacts and other materials associated with it.

Section 3. (a) The board shall be composed of 9 members: one member shall be appointed by the President of Auburn University, one shall be appointed by the Director of the Alabama Department of Archives and History, one member shall be appointed by the Commissioner of the Alabama Department of Agriculture and Industries, 6 members shall be appointed by the Governor, to be selected from a list of 20 individuals submitted by the Dothan Landmarks Foundation.

(b) Terms of members serving on the initial board shall be: 3 shall serve a two-year term, 3 shall serve a three-year term, and 3 shall serve a four-year term, determined by lot. Thereafter, all shall serve a four-year term.

Section 4. The board shall elect a chair, a vice-chair, and secretary-treasurer from its members for a term of one year and may appoint any committees it considers necessary to carry out its duties pursuant to this act. The board shall meet at least once each year. Additional meetings may be held as prescribed in its rules and by-laws. A majority of the members shall constitute a quorum for transaction of business. The secretary-treasurer shall keep a record of the proceedings of the board. The board may promulgate and adopt rules and regulations consistent with this act which are necessary for the performance of its duties. The members of the board shall not be compensated for their services. The board members shall be reimbursed for their travel expenses in the same manner as state employees. The board shall fill vacancies as they occur in the manner prescribed in this act. A board member shall serve until his or her successor is appointed.

Section 5. The Board may hire personnel necessary or as advisable to carry out the purposes and provisions of this act. Personnel shall be subject to the provisions of the State Merit System Act.

Section 6. The board shall constitute a public body corporate and shall have, in addition to those set forth specifically in this act, all powers necessary or convenient to effect the purposes for which it has been established under and by the terms of this act, together with all powers incidental thereto or necessary to the discharge of its powers and duties.

Section 7. The board may solicit and accept public or private donations, grants, contributions, property, or services, and all gifts made to the board shall be exempt from all taxation in Alabama. The board is authorized to set and charge reasonable entrance fees to view the museum and related exhibits. The board may also provide for concessions in accordance with state law and charge or receive reasonable fees therefor.

Section 8. All receipts and income of the Alabama Agricultural Museum Board shall be deposited into the State Treasury to the credit of the Alabama Agricultural Museum Fund, which is hereby created. Such receipts and income shall be paid out only by warrant of the comptroller upon the treasurer, upon itemized vouchers, approved by the Chairman of the Board; provided, that no

funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of sections 41-4-80 through 41-4-96 and sections 41-19-1 through 41-19-12 of the Code of Alabama 1975, as amended and only in amounts as stipulated in the general appropriation or other appropriation bills.

Section 9. There is hereby appropriated from the Alabama Agricultural Museum Fund to the Alabama Agricultural Museum Board, for fiscal year 1993-94, such an amount as deemed necessary by the Alabama Agricultural Museum Board to fund the costs of its operations.

Section 10. The board may sell, convey, transfer, lease, or donate any property, franchise, grant, easement, license, or lease or interest therein which it may own and to transfer, assign, sell, convey, or donate any right, title, or interest which it may have in any lease, contract, agreement, license, or property.

Section 11. The board shall be a state agency and shall have exclusive control over the Alabama Agricultural Museum at Landmark Park established pursuant to this act, all improvements and exhibits located thereon, and all additions constructed, created, leased, acquired, or erected in connection therewith.

Section 12. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective October 1, 1993, upon its passage and approval by the Governor or upon its otherwise becoming a law.

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Carothers, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 44, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey,

Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Warren, Williams, Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 2. To revise the Underground and Aboveground Storage Tank Trust Fund charge for the first withdrawal from bulk of motor fuels in this state, to appropriate a portion of the fund for administrative costs of the Alabama Department of Environmental Management, to provide for retroactive effect, and amending Sections 22-35-3, 22-35-4, 22-35-5, 22-35-6, 22-35-9, and 22-35-13, Code of Alabama 1975, as amended by Act No. 93-628, H. 739, 1993 Regular Session, for those purposes.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House concurred in and adopted the Senate amendment to the bill, H. 2, said Senate amendment being as follows:

Amend House Bill 2, on Page 1, Line 10, and on Page 2, Line 5 as follows: Delete the word "Storage" and insert in lieu thereof the word "Storage"

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Bryant, Buskey, Butler, Cagle, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson,

Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, Williams, Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 83. To amend Sections 40-16-1, 40-18-15, 40-18-21, 40-18-38, 40-18-71 and 40-18-82 of the Code of Alabama 1975 in order to reflect therein the allowance of personal and corporate income and financial institution excise tax deductions for certain contributions to the State Industrial Development Authority to help induce industrial and research facilities to locate in the State; to reflect therein the allowance of certain corporate income tax credits to induce industrial and research facilities to locate in the State; and to reflect therein the allowance of certain personal income tax credits to offset the impact upon employees of industrial and research facilities of certain other incentives provided to induce such facilities to locate in the State.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House non-concurred in the Senate amendment to the bill, H. 83, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

Amend House Bill 83 on Page 29, Line 1, by deleting the underline language beginning with "In the event" and ending on Line 3 with "to such taxpayer."

On page 27, delete all the language on lines 4 to 10, inclusive, and insert in lieu thereof the following:

"(d) In the case of a nonresident individual, the deductions allowed in subdivisions (1), (4), (5), (7), (8), (9) and (17) of subsection (a) of this section shall

be allowed only if and to the extent that they are connected with income arising from a source within the state of Alabama, and a proper apportionment or allocation of the deductions with respect to sources of income within and without the state of Alabama shall be determined under rules and regulations prescribed by the department of revenue."

Yeas 93; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Bryant, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, Williams, Willis and Zoghby.

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Nay:

Representative Holley.

- 1

COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Harper, Hooper and McClain on the disagreement of the two Houses on the Senate amendment to the bill, H. 83.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 21. To amend Sections 9-13-63 and 9-13-82, Code of Alabama 1975, relating to forest products, to provide further for the maintenance of certain records and for the privilege and severance taxes.

Also:

H. 55. To define disparagement of perishable products or commodities; to provide a cause of action; to provide for recovery; to provide for limitations of actions and civil procedure; and to provide for cumulative effect.

McDOWELL LEE
Secretary

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Petelos, House Rules 53 and 58 were suspended in order to permit the Standing Committee on Local Legislation No. 2 to meet while the House is in Session.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 27. To make legislative findings with respect to the need for additional powers of the State Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and research projects; to establish criteria for the selection of enterprises and projects eligible for financing by the Authority; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to grant certain incentives to companies proposing to construct projects in the State, including credits against the corporate income tax and the collection of certain fees from employees; to grant to employees from whom such fees have been collected a credit against State income taxes; to permit the Authority to establish tax increment funds out of which Project Obligations may be made payable and to provide for payments into such funds; to grant certain incentives to existing corporations in the state under certain circumstances, including credits against the corporate income tax and the collection of certain fees from employees; to permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to require the Authority to report to the Legislature annually; to confirm that the Authority is exempt from taxation; and to provide that

the earnings of the Authority shall not inure to the benefit of any individual, firm or corporation.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House non-concurred in the Senate amendment to the bill, H. 27, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

Amend House Bill 27 on Page 2, Lines 8 through 11, by deleting the following language: "to grant certain incentives to existing corporations in the state under certain circumstances, including credits against the corporate income tax and the collection of certain fees from employees;"

Further amend House Bill 27 on Page 11, Line 7, by deleting the underlined language beginning with "The Authority" and ending on Line 12 with "consecutive years."

Further amend House Bill 27 on Page 18, Line 17, by deleting the word "wages" and inserting in lieu thereof the language "total compensation".

Further amend House Bill 27 on Page 18, by deleting the underlined paragraph beginning on Line 21 and ending on Line 26.

On page 11, line 24, insert the following: No company or entity shall become an approved company under this act unless the company or entity pays a minimum wage of eight dollars (\$8) per hour for hourly paid employees.

Amend House Bill No. 27 Page 27 Line 24, as follows: By adding after the word "year," the following "all bond fees, attorneys fees, commissions paid and all other costs of financing,"

On page 11, line 24, insert the following: No company or entity shall become an approved company under this act unless the company or entity pays a minimum average wage of eight dollars (\$8) per hour for fulltime paid employees.

Yeas 89; Nays 2.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Butler, Cagle, Carns, Carothers, Clay,

Collins, Cosby, Crow, Cullins, Curry, Drake, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Dolbare and Holley.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Harper, Hooper and McClain on the disagreement of the two Houses on the Senate amendment to the bill, H. 27.

RESOLUTION

The following resolution was introduced:

By Representative Haney:

H.R. 99. URGING THE GOVERNOR TO VETO OR RETURN SENATE BILL 4.

WHEREAS, Senate Bill 4, which extends the boundary lines and corporate limits of the municipality of Dauphin Island in Mobile County, has passed the Legislature and has been delivered to the Governor for his consideration; and

WHEREAS, although S. 4 purports to be a local bill, it is general in nature because it annexes state waters containing state-owned gas and oil wells, and results in a diversion of state oil revenues to Mobile County; and

WHEREAS, this bill has been termed by the State Budget Office, and others as the biggest rape on the state general fund ever witnessed; and

WHEREAS, the majority of the members of this House are opposed to the bill and the deceptive manner in which it gained passage; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we strongly urge the Governor to veto Senate Bill 4, or order its return to the House of Representatives for a vote of the entire House membership, and that a copy of this resolution be presented immediately to the Governor.

MOTION TO SUSPEND RULES AND ADOPT OFFERED

Representative Haney offered the motion to suspend the rules and adopt the resolution, H.R. 99.

DIVISION OF THE QUESTION

Representative Harper called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Haney to suspend the rules in order to take up for immediate consideration the resolution, H.R. 99, and the motion was lost, lacking a four-fifths vote.

Yeas 51; Nays 23.

Yea:

Representatives Anderson, Black (M), Blakeney, Bowling, Butler, Carns, Carter, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Gaines, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Hill, Hilliard, Hooper, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, Mikell, Millican, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Petelos, Powell, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey and Willis.

Nay:

Mr. Speaker, Black (L), Box, Bryant, Buskey, Carothers, Clark (W), Cosby, Drake, Flowers, Ford, Gaston, Harper, Harvey, Kennedy, Kvalheim, McMillan, Melton, Morrow, Rockhold, Turner, Turnham and Zoghby.

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The resolution, H.R. 99, was read and referred to the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 46. Relating to compensation for the Houston County Commission; converting the existing expense allowance to salary compensation commencing with the next term of office.

Also:

H. 47. Relating to Houston County; providing for the establishment of an employee incentive program for certain Houston County employees.

Also:

H. 54. To create a new circuit judgeship in the Sixth Judicial Circuit.

Also:

H. 56. Relating to Houston County; providing further for the compensation of the members of the board of registrars.

Also:

H. 90. Relating to the City of Wilmer in Mobile County, Alabama, by providing for a referendum election on the question of dissolution of the City of Wilmer, and for disposition of certain city services including radio communication should the voters elect to dissolve the city.

Also:

H. 102. Relating to Montgomery County; providing an expense allowance for the sheriff of Montgomery County; providing for an expiration date thereof; providing for an adjustment in said compensation; providing manner in which compensation shall be paid and provides for enactment date.

Also:

H.J.R. 84. RELATIVE TO MEETING DAYS

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and the House Joint Resolution, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 67. Proposing an amendment to the Constitution of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in Covington County.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 66. To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Covington County.

Also:

H. 82. To create the Infected Health Care Worker Management Act; to require reporting of an infected health care worker to the State Health Officer; to require an infected health care worker to submit to review by an expert review panel; to authorize the State Health Officer to undertake a review of the practice of an infected health care worker to determine if invasive procedures are performed by the worker; to authorize the creation of expert review panels and provide for their composition and duties; to authorize the State Health Officer to issue restrictions on the practice of the infected health care worker; to provide an appeal process; to authorize the monitoring of the practice of the infected health care worker and to require reporting of violations to the State Health Officer; to provide grounds for revocation, suspension, or restriction of infected health care workers licensed by licensing boards; to require infected health care workers and third parties with records or information to provide records or other information and to cooperate with an investigation; to provide immunity from civil and criminal liability for individuals, agencies, experts, and committees involved in the investigation of an infected health care worker; to create confidentiality standards and to provide for uses of the information gained during an investigation; to authorize promulgation of rules for administration of this act; to enable the State Board of Health to file suit in circuit court to compel compliance; and to provide penalties for violation of this act.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

RECESS

On motion of Representative Harper, the House recessed to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:10 P.M. on August 23, 1993.

H. 37

H. 80

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Starkey and pursuant to the resolution, H.R. 98, heretofore adopted, the House adjourned until 11:00 o'clock a.m., Tuesday, August 24, 1993.

SEVENTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, August 24, 1993**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative Roy Smith.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Patrice Peterson, Freshman, AUM, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the sixth legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the sixth legislative day was approved.

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 14. Relating to credits against state income tax liability; to provide a credit to employers who provide approved basic skills education programs to its employees beginning with the 1993 tax year.

S. 43. To amend section 31-5-3 of the Code of Alabama 1975, to add a representative of the Military Order of the Purple Heart to the State Board of Veterans' Affairs.

S. 54. To amend Section 16-45-4, Code of Alabama 1975, relating to the board of directors of the Marine Environmental Sciences Consortium, to authorize the chief executive officer of a member institution to designate an officer or employee of the institution to serve on the board.

S. 75. To provide that certain full-time employees and executive officers of the Alabama Sports Hall of Fame Board and the Birmingham Football Foundation Board, nonprofit corporations, may elect to become members of the Teachers' Retirement System of Alabama and the State Employees' Health Insurance Plan; to provide that the Alabama Sports Hall of Fame Board and the Birmingham Football Foundation Board and its employees assume all costs, both contributory and administrative, and that no cost devolve upon the state; and to provide for the purchase of certain previous service credit in the Teachers' Retirement System of Alabama.

Representative Petelos, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 5. To authorize the county commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax district subject to the jurisdiction and control of the Vestavia Hills City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.51 on each one hundred dollars (15.1 mills on each dollar) of assessed value.

S. 6. To authorize the county commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax district subject to the jurisdiction and control of the Hoover City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.39 on each one hundred dollars (13.9 mills on each dollar) of assessed value.

S. 10. Relating to the expense allowance of the Mayor of any Class 1 municipality; to repeal Section 11-43-86, Code of Alabama 1975, relating to the existing expense allowance of the mayor of any Class 1 municipality; to provide for a monthly expense allowance for the mayor of any Class 1 municipality; to provide that the expense allowance shall be eligible for certain treatment, both in determining retirement benefits and allowances and the required withholdings and payments into any pension or retirement system trust fund provided for any retirement benefit system in which mayors shall be entitled to participate; and to provide that this act shall become effective upon the approval of the qualified electors of any Class 1 municipality voting in a referendum held for that purpose.

S. 88. To amend Section 10 of Act 80-609, H. 520, 1980 Regular Session (Acts of Alabama 1980, p. 1027), the Jefferson County Bingo Act relating to the permitting of qualified organizations to operate bingo games, to further provide for the amount of prizes.

S. 7. To provide members of the council or governing body of any Class 1 municipality with a certain additional expense allowance; to provide that the expense allowance provided under this act and the expense allowances provided under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate; and to provide for a referendum.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 10. To prohibit any person from possessing, without authority, any state, county, or municipal traffic sign; and to provide penalties; to make this act supplemental to any other law not in conflict.

Also:

H. 21. To amend Sections 9-13-63 and 9-13-82, Code of Alabama 1975, relating to forest products, to provide further for the maintenance of certain records and for the privilege and severance taxes.

Also:

H. 23. Relating to the Department of Youth Services, to make a supplemental appropriation to the department for the fiscal year ending September 30, 1993, from the Alabama Special Educational Trust Fund.

Also:

H. 25. To amend Section 26-14-3 of the Code of Alabama 1975, to provide that investigations of reports of suspected child abuse or neglect involving discipline or corporal punishment committed in public or private schools or kindergartens or suspected child abuse or neglect committed in state-operated child residential facilities be investigated by law enforcement agencies, and that all other reports of suspected child abuse and neglect be investigated by the Department of Human Resources; to amend Section 26-14-1 of the Code of Alabama 1975, to revise the definition of child sexual abuse and neglect; and to specify the investigatory authority of the Department of Human Resources in cases involving alleged neglect due to inadequate medical treatment based upon legitimate religious practices.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 70. To establish a program to provide early intervention services for infants and toddlers with disabilities and their families.

Also:

H. 58. To permit non-sectarian, non-proselytizing, student-initiated voluntary prayer on public school or other public property, or other property, and at school-related activities, including student sporting events, graduation or commencement ceremonies, and other student assemblies and events; to accommodate religion and speech rights under the First Amendment to the United States Constitution; to provide that nothing in this act shall otherwise diminish the right of any student or person to exercise his or her rights of free speech and religion, including prayer, as permitted by the United States Constitution and the Alabama Constitution on public school, or other public property, or other property, at certain times or events; and to provide that the exercise of these rights on public school or other public property, or on other property for school-related activities, by students or others, shall not be construed to indicate any support, approval, or sanction by the State of Alabama, any political subdivision thereof, municipal corporation, governmental entity of any description, or any agent or employee of any governmental entity of the contents of any such prayer, invocation, benediction, or other activity, or be an unconstitutional use of any public school property or other public property, or to promote or establish any religion or religious belief.

Also:

H. 2. To revise the Underground and Aboveground Storage Tank Trust Fund charge for the first withdrawal from bulk of motor fuels in this state, to appropriate a portion of the fund for administrative costs of the Alabama Department of Environmental Management, to provide for retroactive effect, and amending Sections 22-35-3, 22-35-4, 22-35-5, 22-35-6, 22-35-9, and 22-35-13, Code of Alabama 1975, as amended by Act No. 93-628, H. 739, 1993 Regular Session, for those purposes.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 55. To define disparagement of perishable products or commodities; to provide a cause of action; to provide for recovery; to provide for limitations of actions and civil procedure; and to provide for cumulative effect.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 27. To make legislative findings with respect to the need for additional powers of the State Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and research projects; to establish criteria for the selection of enterprises

and projects eligible for financing by the Authority; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to grant certain incentives to companies proposing to construct projects in the State, including credits against the corporate income tax and the collection of certain fees from employees; to grant to employees from whom such fees have been collected a credit against State income taxes; to permit the Authority to establish tax increment funds out of which Project Obligations may be made payable and to provide for payments into such funds; to grant certain incentives to existing corporations in the state under certain circumstances, including credits against the corporate income tax and the collection of certain fees from employees; to permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to require the Authority to report to the Legislature annually; to confirm that the Authority is exempt from taxation; and to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm or corporation.

And the President Pro Tempore and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Barron, Windom, and Floyd.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 83. To amend Sections 40-16-1, 40-18-15, 40-18-21, 40-18-38, 40-18-71 and 40-18-82 of the Code of Alabama 1975 in order to reflect therein the allowance of personal and corporate income and financial institution excise tax deductions for certain contributions to the State Industrial Development Authority to help induce industrial and research facilities to locate in the State; to reflect therein the allowance of certain corporate income tax credits to induce industrial and research facilities to locate in the State; and to reflect therein the allowance of certain personal income tax credits to offset the impact upon employees of industrial and research facilities of certain other incentives provided to induce such facilities to locate in the State.

And the President Pro Tempore and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Windom, Owens, and Barron.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 30. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Leesburg in Cherokee County.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 27. DESIGNATING THE BRIDGE IN CHILTON COUNTY ON CHILTON COUNTY ROAD 55 BETWEEN LAY AND MITCHELL DAM, THE "GEORGE D. SMITH BRIDGE."

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 39. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Fort Payne in DeKalb County.

Also:

H. 41. To authorize the county commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax district subject to the jurisdiction and control of the Hoover City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.39 on each one hundred dollars (13.9 mills on each dollar) of assessed value.

Also:

H. 52. Prescribing procedures for converting prior service to creditable service in the General Retirement System for Employees of Jefferson County as established by Act No. 497 of the 1965 Regular Session of the Legislature, providing for payment for converting the prior service, and providing for a delayed effective date.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 19. Relating to Madison County; authorizing the county to provide for the cremation of indigent persons under certain circumstances.

Also:

H. 99. Relating to Madison County; to amend Sections 2 and 5 of Act No. 84-489, H. 700 of the 1984 Regular Session (Acts 1984, p. 1108) by expanding the weapon and devices which may be subject to forfeiture and provide for the allocation of a percentage of the proceed from the sale of seized weapon or device to the law enforcement.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 60. Relating to the following part of Jefferson County: The school tax district in Jefferson County known as the Tarrant City School District and consisting of all of that part of Jefferson County within the corporate limits of the City of Tarrant, Alabama (The "Tarrant School District"); approving an increase of the five and two-tenths mill district ad valorem school tax levied in the Tarrant School District pursuant to Amendments No. 3, No. 325, and No. 373 to the Constitution of Alabama of 1901, by six mills to eleven and two-tenths mills, all in accordance with Amendment No. 373 to the Alabama Constitution; such additional six mill tax to be levied and collected by the governing body of Jefferson County for each year beginning with the levy for the tax year October 1, 1994, to September 30, 1995 (the tax for which year will be due and payable October 1, 1995) or such later year for which the required electorate approval may be obtained for the earliest possible levy and collection, and ending with the levy for the tax year October 1, 2020, to September 30, 2021 (the tax for which year will be due and payable October 1, 2021), for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the Tarrant School District at a special election called and held in accordance with the law governing special elections.

Also:

H. 64. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Homewood in Jefferson County.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 40. To authorize the county commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax district subject to the jurisdiction and control of the Vestavia Hills City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.51 on each one hundred dollars (15.1 mills on each dollar) of assessed value.

Also:

H. 50. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Midfield in Jefferson County.

Also:

H. 59. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Homewood, in Jefferson County.

McDOWELL LEE
Secretary

RESOLUTION

The following resolution was introduced:

By Representative Payne:

H.R. 100. URGING THE GOVERNOR NOT TO CALL A SPECIAL SESSION OF THE LEGISLATURE ON GAMBLING, PARTICULARLY CASINO GAMBLING.

WHEREAS, the Governor of this State, the Honorable Jim Folsom, Jr., is considering the calling of a special session of the Legislature on gambling at the request of the gambling interest in this State to consider further gambling legislation including casino gambling in this State; and

WHEREAS, Section 122 of the Constitution of Alabama of 1901 provides for the calling of special sessions of the Legislature only on "extraordinary occasions"; and

WHEREAS, the clear intent of Section 122 as stated by the Alabama Supreme Court is to provide machinery for the convening of the Legislature because of extraordinary or emergency situations calling for legislative action in the interim between regular meetings of the Legislature; and

WHEREAS, it is beyond the imagination to come up with any emergency requiring immediate consideration of casino gambling in this State; and

WHEREAS, this House of Representatives has considered the issue of casino gambling in the 1993 Regular Session of the Legislature and in past sessions, and can consider the issue in future regular sessions; and

WHEREAS, a special session will cost the Alabama taxpayers thousands of dollars at a time this expenditure cannot be afforded; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the Governor of this State, the Honorable Jim Folsom, Jr., is strongly urged not to call a special session of the Alabama Legislature to consider casino gambling.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor Folsom.

MOTION TO SUSPEND RULES AND ADOPT OFFERED

Representative Payne offered the motion to suspend the rules and adopt the resolution, H.R. 100.

DIVISION OF THE QUESTION

Representative Buskey called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Payne to suspend the rules in order to take up for immediate consideration the resolution, H.R. 100, and the motion was lost, lacking a four-fifths vote.

Yeas 55; Nays 19.

Yea:

Representatives Barnes, Beasley, Biddle, Blakeney, Burke, Butler, Carns, Carter, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Haney, Harvey, Hawkins, Higginbotham, Hill, Hogan, Johnson, Knight (A), Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Morton, Newton (C), Page, Parker (P), Parker (T), Petelos, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Walker and Willis.

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Nay:

Representatives Black (L), Box, Bryant, Buskey, Clark (W), Clay, Harper, Hilliard, Holmes, Kennedy, McClain, Newton (D), Penry, Perdue, Rogers (J), Spratt, Thomas, Turner and Zoghby.

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The resolution, H.R. 100, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 85. COMMENDING CENTRAL BALDWIN'S BELLES FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 86. COMMENDING BAY MINETTE 13-15 YEAR-OLD BABE RUTH ALL STARS BASEBALL TEAM ON ITS UNDEFEATED SEASON AND STATE CHAMPIONSHIP.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 44. To provide for the establishment, composition, and powers of the Alabama Agricultural Museum Board.

And said Bill, HB 44, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 89. COMMENDING BUFFY THOMAS ON EARNING THE GIRL SCOUT GOLD AWARD.

Also:

H.J.R. 90. COMMENDING NAOMI NELSON ON EARNING THE GIRL SCOUT GOLD AWARD.

Also:

H.J.R. 91. COMMENDING MARCIE MILLARD ON EARNING THE GIRL SCOUT GOLD AWARD.

Also:

H.J.R. 92. COMMENDING CARRIE BURRITT ON EARNING THE GIRL SCOUT GOLD AWARD.

Also:

H.J.R. 93. COMMENDING CARRIE BURRITT, MARCIE MILLARD, NAOMI NELSON, AND BUFFY THOMAS ON EARNING THE GIRL SCOUT GOLD AWARD.

Also:

H.J.R. 94. WISHING TOM C. MAHER A SPEEDY RECOVERY.

Also:

H.J.R. 95. DESIGNATING OCTOBER 17-24, 1993, AS ALABAMA TEXTILE WEEK.

Also:

H.J.R. 96. HONORING THE LEGACY AND RENEWING THE PURPOSE
OF THE AMERICAN LEGISLATIVE EXCHANGE COUNCIL

Also:

H.J.R. 97. CONGRATULATING DUDLEY C. ROWE OF ECC INTERNA-
TIONAL.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith
to the House:

H. 8. Prescribing additional standards and restrictions for governing boards
of educational institutions and funds to use for guidance in investing and
managing educational trust funds and providing for the releasing of restrictions on
the use of certain funds or the selection of investments for certain funds through
donor acquiescence or court action.

McDOWELL LEE
Secretary

RECESS

On motion of Representative Payne, the House recessed for fifteen minutes.

Yeas 57; Nays 22.

Yea:

Representatives Beasley, Biddle, Blakeney, Bowling, Burke, Butler, Carns,
Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Fuller, Gaines,
Gaston, Goodwin, Gullatt, Hamilton, Haney, Harvey, Hawkins, Higginbotham, Hill,
Hogan, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, McDaniel,
McDowell, McKee, McMillan, Mikell, Morton, Newton (C), Page, Parker (P),
Parker (T), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Sanderford,
Sanderson, Smith (C), Smith (R), Starkey, Turnham, Walker and Willis.

Nay:

Mr. Speaker, Anderson, Barnes, Black (L), Black (M), Bryant, Buskey, Clark (W), Clay, Haynes, Hilliard, Holmes, McClain, Newton (D), Perdue, Rogers (J), Spratt, Thomas, Turner, Warren, White and Williams.

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HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Box would have voted "Yea" on the resolution, H.R. 100, had he been in the Chamber at the time of voting.

RECESS

On motion of Representative Haynes, the House recessed until 1:30 o'clock p.m.

HOUSE RECONVENED

The hour of 1:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 86. To make a supplemental appropriation from the State Water Safety Fund in the State Treasury to the Department of Conservation and Natural Resources, Division of Marine Police, for the fiscal year ending September 30, 1994.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 28. Relating to insurance premium tax; to amend Act 93-679, H. 845, 1993 Regular Session, to provide a new classification of insurance entitled "medical liability insurance" and to establish a rate of premium tax applicable to such insurance.

McDOWELL LEE
Secretary

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Freeman, the rules were suspended in order to take up out of order the bill, S. 25.

And the bill:

S. 25. To amend Act 93-677, S. 422, 1993 Regular Session, regarding the commencement, notice, and the manner of conducting judicial public bail hearings, to provide further for an effective date for the act.

was read a third time at length and passed.

Yeas 74; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Burke, Butler, Cagle, Carothers, Carter, Clay, Collins, Crow, Curry, Dolbare, Drake, Ford, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Penry, Petelos, Poole, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Walker and Williams.

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Nay:

Representative Newton (D).

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 44. To provide for the establishment, composition, and powers of the Alabama Agricultural Museum Board.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 19. Relating to Madison County; authorizing the county to provide for the cremation of indigent persons under certain circumstances.

Also:

H. 39. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Fort Payne in DeKalb County.

Also:

H. 41. To authorize the county commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax

district subject to the jurisdiction and control of the Hoover City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.39 on each one hundred dollars (13.9 mills on each dollar) of assessed value.

Also:

H. 52. Prescribing procedures for converting prior service to creditable service in the General Retirement System for Employees of Jefferson County as established by Act No. 497 of the 1965 Regular Session of the Legislature, providing for payment for converting the prior service, and providing for a delayed effective date.

Also:

H. 99. Relating to Madison County; to amend Sections 2 and 5 of Act No. 84-489, H. 700 of the 1984 Regular Session (Acts 1984, p. 1108) by expanding the weapon and devices which may be subject to forfeiture and provide for the allocation of a percentage of the proceed from the sale of seized weapon or device to the law enforcement.

Also:

H. 40. To authorize the county commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax district subject to the jurisdiction and control of the Vestavia Hills City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.51 on each one hundred dollars (15.1 mills on each dollar) of assessed value.

Also:

H. 50. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Midfield in Jefferson County.

Also:

H. 59. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Homewood, in Jefferson County.

Also:

H. 60. Relating to the following part of Jefferson County: The school tax district in Jefferson County known as the Tarrant City School District and consisting of all of that part of Jefferson County within the corporate limits of the City of Tarrant, Alabama (The "Tarrant School District"); approving an increase of the five and two-tenths mill district ad valorem school tax levied in the Tarrant School District pursuant to Amendments No. 3, No. 325, and No. 373 to the Constitution of Alabama of 1901, by six mills to eleven and two-tenths mills, all in accordance with Amendment No. 373 to the Alabama Constitution; such additional six mill tax to be levied and collected by the governing body of Jefferson County for each year beginning with the levy for the tax year October 1, 1994, to September 30, 1995 (the tax for which year will be due and payable October 1, 1995) or such later year for which the required electorate approval may be obtained for the earliest possible levy and collection, and ending with the levy for the tax year October 1, 2020, to September 30, 2021 (the tax for which year will be due and payable October 1, 2021), for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the Tarrant School District at a special election called and held in accordance with the law governing special elections.

Also:

H. 64. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Homewood in Jefferson County.

Also:

H. 8. Prescribing additional standards and restrictions for governing boards of educational institutions and funds to use for guidance in investing and managing educational trust funds and providing for the releasing of restrictions on the use of certain funds or the selection of investments for certain funds through donor acquiescence or court action.

Also:

H.J.R. 85. COMMENDING CENTRAL BALDWIN'S BELLES FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 86. COMMENDING BAY MINETTE 13-15 YEAR-OLD BABE RUTH ALL STARS BASEBALL TEAM ON ITS UNDEFEATED SEASON AND STATE CHAMPIONSHIP.

Also:

H.J.R. 89. COMMENDING BUFFY THOMAS ON EARNING THE GIRL SCOUT GOLD AWARD.

Also:

H.J.R. 90. COMMENDING NAOMI NELSON ON EARNING THE GIRL SCOUT GOLD AWARD.

Also:

H.J.R. 91. COMMENDING MARCIE MILLARD ON EARNING THE GIRL SCOUT GOLD AWARD.

Also:

H.J.R. 92. COMMENDING CARRIE BURRITT ON EARNING THE GIRL SCOUT GOLD AWARD.

Also:

H.J.R. 93. COMMENDING CARRIE BURRITT, MARCIE MILLARD, NAOMI NELSON, AND BUFFY THOMAS ON EARNING THE GIRL SCOUT GOLD AWARD.

Also:

H.J.R. 94. WISHING TOM C. MAHER A SPEEDY RECOVERY.

Also:

H.J.R. 95. DESIGNATING OCTOBER 17-24, 1993, AS ALABAMA TEXTILE WEEK.

Also:

H.J.R. 96. HONORING THE LEGACY AND RENEWING THE PURPOSE OF THE AMERICAN LEGISLATIVE EXCHANGE COUNCIL

Also:

H.J.R. 97. CONGRATULATING DUDLEY C. ROWE OF ECC INTERNATIONAL.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 28. Relating to insurance premium tax; to amend Act 93-679, H. 845, 1993 Regular Session, to provide a new classification of insurance entitled "medical liability insurance" and to establish a rate of premium tax applicable to such insurance.

Also:

H. 86. To make a supplemental appropriation from the State Water Safety Fund in the State Treasury to the Department of Conservation and Natural Resources, Division of Marine Police, for the fiscal year ending September 30, 1994.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 33. To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund in the amount of \$2,000,000 for the fiscal year ending September 30, 1993, to the Alabama Commission on Higher Education which sum shall be allocated to the Eminent Scholars Program.

McDOWELL LEE
Secretary

SENATE MESSAGE

MOTION TO CONCUR OFFERED

Representative Harper offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 33, said amendment being as follows:

Amend House Bill 33, as substituted, on Page 1, line 31, by creating a new Section 2 as follows and renumbering all subsequent sections accordingly:

Section 2. (a) There is hereby appropriated from the Alabama Special Educational Trust Fund for the year ending September 30, 1993, the supplemental sum of \$4,000,000 to the Alabama Department of Education.

(b) The \$4,000,000 herein appropriated shall be allocated to K-12 public schools for the purpose of replacing pre-1978 school buses.

SUBSTITUTE MOTION TO NON-CONCUR AND REQUEST SPEAKER APPOINT COMMITTEE ON CONFERENCE TABLED

On motion of Representative Harper, the substitute motion offered by Representative Knight (A) that the House non-concur in the Senate amendment to the bill, H. 33, and requests the Speaker appoint a Committee on Conference on the disagreement of the two Houses, was tabled.

Yeas 69; Nays 13.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Box, Bryant, Burke, Butler, Cagle, Carothers, Carter, Clay, Collins, Crow, Cullins, Dolbare, Ford, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Hilliard, Hogan, Holmes, Johnson, Knight (J), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Penry, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams and Willis.

Nay:

Representatives Bowling, Curry, Gaines, Hill, Holley, Knight (A), McKee, McMillan, Mikell, Payne, Petelos, Sanderson and Smith (R).

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MOTION TO CONCUR ADOPTED

The question was then on the motion offered by Representative Harper that the House concur in and adopt the Senate amendment to the bill, H. 33, and the motion to concur was adopted.

Yeas 82; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holley, Holmes, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Richardson, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams and Willis.

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Nay:

Representative Mikell.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 34. To amend Act No. 93-652, S. 16, 1993 Regular Session, to provide further for certain educational assistance benefits for certain active members of the Alabama National Guard and to make an appropriation.

McDOWELL LEE
Secretary

SENATE MESSAGE

MOTION TO CONCUR OFFERED

Representative Harper offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 34, said amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

This Bill amends Act 93-652, S. 16, 1993 Regular Session, further defining eligibility and making an appropriation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Act 93-652, S. 16, 1993 Regular Session, is amended to read as follows:

"Section 1. The following words and terms used in this act shall have the meanings as set forth in this section:

"(1) Active member. A member of a federally recognized unit of the Alabama National Guard meeting the minimum requirements for satisfactory membership as defined in the regulations of the Department of the United States Army and the Department of the United States Air Force.

"(2) Alabama National Guard. Federally recognized units of the Alabama National Guard.

"(3) ~~Degree Enhancing Curriculum Objective. A series of courses programmed to culminate in a specific degree when successfully completed(enrolled hours) which apply toward a specific degree.~~

"(4) Tuition. The total semester, quarter, or classroom hour cost of instruction and fees, excluding Late Registration Fees, Academic Penalty Fees and Electives fees, to the student as periodically published in the catalog of the educational institution, not to exceed the average full-time class load.

"(5) Tuition Benefits. The difference in the amounts provided for tuition pursuant to the Montgomery G. I. Bill, any other VA Educational Benefits, any student grant or scholarship, Active Duty Tuition Assistance Program and the Alabama National Guard Education Assistance Program, or where no other tuition benefit is available, the full amount of tuition. Title IV Financial Aid application must be filed and Student Aid Report submitted to an institutions's Financial Aid Office prior to the student's registration.

"Section 2. (a) Any active member of the Alabama National Guard who has successfully completed advanced individual training or commissioning shall be entitled to the tuition benefits provided by this act upon his or her enrollment in a ~~degree enhancing curriculum objective in any community or junior college, vocational or technical school~~ that is under the authority of the state board of education, or enrollment in pursuit of his or her enrollment in an first undergraduate degree enhancing curriculum objective in any public college or university within the state. Certification and eligibility for the tuition benefits provided by this act shall be determined by the state education services office of the Alabama National Guard which shall promulgate and implement administrative rules and procedures that it deems necessary to carry out and monitor the tuition benefits provided by this act.

"(b) Any active member of the Alabama National Guard who enrolls utilizing the tuition benefits provided by this act shall complete the requirements for an undergraduate degree no later than ten years from the date of initial enrollment or the active member shall be responsible for all costs of any further studies required to attain his or her degree. Active member must currently have and Failure to maintain an overall "C" average, or the grade point equivalent thereof, at the end of each term. conclusion of any two successive semesters or any three successive quarters Failure to do so shall result in the termination of the tuition benefits provided by this act. If a student withdraws, declares academic bankruptcy, or is granted a grade waiver through a forgiveness program, he or she is responsible for paying back that portion of tuition and fees the state paid on his or her behalf.

"(c) Each educational institution that enrolls an active member of the Alabama National Guard who is eligible for the tuition benefits provided by this act shall take necessary action to insure that the active member is aware of all benefits that he or she may be entitled to under the Montgomery G. I. Bill, any other VA educational benefits, any student grant or scholarship, the Active Duty Tuition Assistance Program, and the Alabama National Guard Education Assistance Program. In order to receive the tuition benefits provided by this act, the active member of the Alabama National Guard shall take the necessary steps to utilize all of the above benefits.

"Section 3. The tuition benefits provided by this act may be terminated for the following reasons:

"(i) Failure to satisfactorily complete the Alabama National Guard military obligation.

"(ii) Failure to maintain a 90 percent attendance at annual training and drill assemblies as required by the Alabama National Guard.

"(iii) Four unsatisfactory drill performances in a calendar year while enrolled in the tuition benefits program provided by this act.

"Section 4. Any active member of the Alabama National Guard who is an out-of-state resident shall qualify for the tuition benefits provided by this act subject to the following limitations and conditions:

"(i) The member enrolls in an educational institution within this state.

"(ii) The tuition benefits provided to the out-of-state member shall not exceed an amount equivalent to the amount the member would have received if he or she resided in Alabama.

"Section 5. The provisions of this act shall be supplemental to any other laws providing educational assistance to active members of the Alabama National Guard, and shall not repeal any law not in conflict with this act.

"Section 6. There is hereby appropriated to the Alabama Commission on Higher Education (ACHE) from the Special Educational Trust Fund of the State of Alabama a sum not to exceed Six Hundred Thousand (\$600,000) Dollars for the fiscal year 1993-94. This appropriation shall be used by ACHE for the purpose of establishing and funding tuition benefits to active members of the Alabama National Guard who meet eligibility requirements as defined in this Act and the administrative expenses incident thereto. ACHE shall distribute appropriated funds to public institutions on behalf of and to the credit of eligible students.

"Section 7. The Alabama Commission on Higher Education shall serve as fiscal agent. Each institution shall submit to the Alabama Commission on Higher Education a copy of the guard member's completed application which shall serve as a basis of payment.

"Section 6 8. The tuition benefits provided by this act shall begin the fall semester or quarter of 1993.

"Section 7 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

SUBSTITUTE MOTION TO NON-CONCUR TABLED

On motion of Representative Harper, the substitute motion offered by Representative Holmes that the House non-concur in the Senate amendment to the bill, H. 34, and requests the Speaker appoint a Committee on Conference on the disagreement of the two Houses, was tabled.

Yeas 67; Nays 23.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Blakeney, Bowling, Box, Burke, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Gullatt, Hammett, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Letson, Mathis, McDaniel, McMillan, Melton, Millican, Morrow, Morton, Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Turnham, Venable, Warren, White, Williams and Willis.

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Nay:

Representatives Barnes, Black (L), Black (M), Bryant, Buskey, Butler, Cagle, Clay, Dolbare, Freeman, Goodwin, Haney, Holmes, Knight (J), McClain, McDowell, McKee, Mikell, Newton (C), Newton (D), Perdue, Rogers (J) and Walker.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Rockhold intended to vote "Yea" on the motion offered by Representative Harper to concur in and adopt the Senate amendment to the bill, H. 33.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 24. To amend Sections 32-7-2, 32-7-8, 32-7-22, and 32-7-27, Code of Alabama 1975, and to repeal Section 32-7-39, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, to increase the proof of financial responsibility, to further provide for the time of suspension of a person's license or operating privilege or the security required, to increase the amount of minimum coverage of a motor vehicle liability policy, to increase the amount deposited with the State Treasurer, and to delete provisions relating to expenses for administering the Motor Vehicle Safety-Responsibility Act by the Department of Public Safety.

McDOWELL LEE
Secretary

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Parker (T):

H.R. 101. COMMENDING DR. DOUG PHILLIPS FOR OUTSTANDING ACHIEVEMENT.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 9. Relating to child care and the licensing and regulation of child-care facilities by the Department of Human Resources; to amend Section 38-7-2 of the Code of Alabama 1975, to further provide for the definition of "child" and "child-care facilities" including "transitional living facilities"; and to authorize the Department of Human Resources to purchase and lease property for the operation of transitional living facilities.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 25. To amend Act 93-677, S. 422, 1993 Regular Session, regarding the commencement, notice, and the manner of conducting judicial public bail hearings, to provide further for an effective date for the act.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

H. 34 RESUMED

MOTION TO REMOVE FROM TABLE ADOPTED

Having voted on the prevailing side by which the substitute motion offered by Representative Holmes that the House non-concur in the Senate amendment to the bill, H. 34, and requests the Speaker appoint a Committee on Conference on the disagreement of the two Houses was tabled, Representative Venable offered the motion to remove the substitute motion from the table, and the motion was adopted.

Yeas 82; Nays 2.

Yea:

Representatives Anderson, Barnes, Beasley, Black (L), Blakeney, Bowling, Box, Bryant, Burke, Cagle, Cams, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holley, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Warren, White, Williams and Willis.

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Nay:

Representatives Cosby and Haney.

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**SUBSTITUTE MOTION TO NON-CONCUR AND REQUEST
SPEAKER APPOINT COMMITTEE ON CONFERENCE ADOPTED**

The question was then on the substitute motion offered by Representative Holmes that the House non-concur in the Senate amendment to the bill, H. 34, and requests the Speaker appoint a Committee on Conference on the disagreement of the two Houses, and the substitute motion was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Cagle, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Starkey, Thomas, Turner, Venable, Walker, Warren, White and Williams.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Holmes, Harper and Venable on the disagreement of the two Houses on the Senate amendment to the bill, H. 34.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 69. Relating to credits against state income tax liability; to provide a credit to employers who provide approved basic skills education programs to its employees beginning with the 1993 tax year.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 49. To amend Section 13A-7-23.1, Code of Alabama 1975, as amended by Act No. 93-770, H. 367, 1993 Regular Session, to provide further for procedures for the lawful preservation, restoration, or relocation of any tomb, monument, structure, or human remains.

Also:

H. 62. To amend Section 22-30B-2, Code of Alabama 1975, as amended by Act 92-658, H. 76, 1992 Second Special Session (1992 Second Special Session Acts, p. 32), relating to hazardous waste and hazardous substance disposal fees; to exempt from the payment of those fees any hazardous waste or substances collected or removed by any governmental entity or agency or party performing those services pursuant to a contract with any governmental entity or agency, and any hazardous waste or substances collected or removed during any amnesty program authorized by the Alabama Department of Environmental Management.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Dial, Barron, and Little:

S.J.R. 30. COMMENDING LIEUTENANT GENERAL SAMUEL E. EBBESEN ON HIS DISTINGUISHED MILITARY CAREER.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Laird, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 30, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Hale and Smith (B):

S.J.R. 28. DECLARING THE INTENT OF THE LEGISLATURE RESPECTING THE PASSAGE OF ACT 93-612 PROVIDING A COST-OF-LIVING BONUS FOR CERTAIN STATE EMPLOYEES.

WHEREAS, both Houses of this Legislature passed, and the Governor of the State approved on May 10, 1993, Act 93-612, providing for the payment of salary cost-of-living bonus to certain State employees; and

WHEREAS, Act 93-612 provides for the payment of the salary cost-of-living bonuses through appropriation of amounts sufficient therefore from those funds out of which the salaries of State employees eligible for the salary cost-of-living bonuses are ordinarily paid; and

WHEREAS, several of the State's commissions and agencies not specifically described in Act 93-612 that have their own statutorily-constituted governing bodies are specifically authorized by law to employ their own personnel and employees other than pursuant to the State Merit System Act and to determine the compensation payable to the personnel and employees, as well as to pay the compensation with their own funds separate and apart from those provided through any State appropriation therefore; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do declare the intent of the Legislature of Alabama that Act 93-612 providing for the payment of salary cost-of-living bonuses is not applicable to those personnel and employees who are employed by and at the pleasure of statutorily-established commissions and agencies of the State of Alabama not specifically described by Act 93-612 which are authorized by law to employ and to fix the compensation of their own personnel and employees other than pursuant to the State Merit System Act and which pay their personnel and employees from their own funds and not with funds derived from appropriations made by the Legislature.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Freeman, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 28, set out in the foregoing Message from the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative McMillan, the rules were suspended in order to take up out of order the bill, S. 22.

And the bill:

S. 22. To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, relating to the requirement that written educational policies of county and city boards of education be filed with the State Superintendent of Education.

was read a third time at length and passed.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turner, Turnham, Venable, Warren, White, Williams and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 81. To make a supplemental conditional appropriation from the State General Fund to the State Department of Veterans' Affairs for the fiscal year ending September 30, 1993 and to specify the purposes for which the funds may be used.

McDOWELL LEE
Secretary

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hawkins, the rules were suspended in order to take up out of order the bill, S. 73.

And the bill:

S. 73. Amending Section 16-11-3 of the Code of Alabama 1975, relating to members of city boards of education, specifying when members assume office.

was read a third time at length and passed.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Collins, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turner, Turnham, Venable, Warren, White, Williams and Willis.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Holley, the rules were suspended in order to take up out of order the bill, S. 78.

And the bill:

S. 78. To amend Section 22-14-5, Code of Alabama 1975, which provides for the members of the Radiation Advisory Board of Health, to include a veterinarian on the board.

was read a third time at length and passed.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley,

Johnson, Knight (A), Kvalheim, Laird, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams and Willis.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Powell intended to vote "Yea" on the motion offered by Representative Payne to suspend the rules and adopt the Resolution H.R. 100.

RECESS

On motion of Representative Barnes, the House recessed to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 34. To amend Act No. 93-652, S. 16, 1993 Regular Session, to provide further for certain educational assistance benefits for certain active members of the Alabama National Guard and to make an appropriation.

And the President Pro Tempore and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Dial, Barron, and Owens.

McDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 33. To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund in the amount of \$2,000,000 for the fiscal year ending September 30, 1993, to the Alabama Commission on Higher Education which sum shall be allocated to the Eminent Scholars Program.

Also:

H. 24. To amend Sections 32-7-2, 32-7-8, 32-7-22, and 32-7-27, Code of Alabama 1975, and to repeal Section 32-7-39, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, to increase the proof of financial responsibility, to further provide for the time of suspension of a person's license or operating privilege or the security required, to increase the amount of minimum coverage of a motor vehicle liability policy, to increase the amount deposited with the State Treasurer, and to delete provisions relating to expenses for administering the Motor Vehicle Safety-Responsibility Act by the Department of Public Safety.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 9. Relating to child care and the licensing and regulation of child-care facilities by the Department of Human Resources; to amend Section 38-7-2 of the Code of Alabama 1975, to further provide for the definition of "child" and "child-care facilities" including "transitional living facilities"; and to authorize the Department of Human Resources to purchase and lease property for the operation of transitional living facilities.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 49. To amend Section 13A-7-23.1, Code of Alabama 1975, as amended by Act No. 93-770, H. 367, 1993 Regular Session, to provide further for procedures for the lawful preservation, restoration, or relocation of any tomb, monument, structure, or human remains.

Also:

H. 62. To amend Section 22-30B-2, Code of Alabama 1975, as amended by Act 92-658, H. 76, 1992 Second Special Session (1992 Second Special Session Acts, p. 32), relating to hazardous waste and hazardous substance disposal fees; to exempt from the payment of those fees any hazardous waste or substances collected or removed by any governmental entity or agency or party performing those services pursuant to a contract with any governmental entity or agency, and any hazardous waste or substances collected or removed during any amnesty program authorized by the Alabama Department of Environmental Management.

Also:

H. 69. Relating to credits against state income tax liability; to provide a credit to employers who provide approved basic skills education programs to its employees beginning with the 1993 tax year.

Also:

H. 81. To make a supplemental conditional appropriation from the State General Fund to the State Department of Veterans' Affairs for the fiscal year ending September 30, 1993 and to specify the purposes for which the funds may be used.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Harper, the rules were suspended in order to take up out of order the bill, S. 90.

And the bill:

S. 90. To amend and reenact Act No. 93-479, H. 335 of the 1993 Regular Session, which act provides a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems, for the funding of the increase, and that no person shall be entitled to receive the increase in benefits granted in the act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits, to provide for the adjustment of the survivor allowance of those eligible retirees that selected a monthly survivor allowance payable at death to designated beneficiaries.

was read a third time at length and passed.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Crow, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Hooper, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Warren, White, Williams and Willis.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Harper, the rules were suspended in order to take up out of order the bill, S. 29.

Yeas 65; Nays 14.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Bowling, Bryant, Buskey, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Drake, Flowers, Ford, Freeman, Gaston, Gullatt, Harper, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holley, Holmes, Hooper, Johnson, Knight (J), Kvalheim, Laird, Layson, Letson, Mathis, McKee, McMillan, Melton, Millican, Morrow, Newton (C), Newton (D), Page, Parker (T), Payne, Penry, Petelos, Poole, Rockhold, Rogers (F), Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White and Willis.

-65

Nay:

Representatives Burke, Butler, Curry, Dolbare, Gaines, Hamilton, Haney, Harvey, Knight (A), McDaniel, Richardson, Sanderford, Sanderson and Williams.

-14

And the bill:

S. 29. To make a supplemental appropriation to the Chattahoochee Valley Community College from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1994.

was read a third time at length and passed.

Yeas 55; Nays 18.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Bryant, Buskey, Cagle, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Ford, Fuller, Gaston, Goodwin, Gullatt, Hammett, Harper, Higginbotham, Hill, Hilliard, Hogan, Holley, Holmes, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Mathis, Melton, Millican, Morrow, Morton, Page, Parker (P), Parker (T), Poole, Rockhold, Rogers (F), Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Warren and Willis.

-55

Nay:

Representatives Barnes, Burke, Butler, Carns, Curry, Dolbare, Flowers, Freeman, Gaines, Hamilton, Haney, Harvey, Hawkins, Hooper, McKee, Mikell, Payne and Williams.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Harper, the rules were suspended in order to take up out of order the bill, S. 63.

And the bill:

S. 63. To amend Section 12-17-142, Code of Alabama 1975, to provide for surviving spouse benefits, paid from the clerks' and registers' supernumerary fund, for certain supernumerary clerks and registers.

was read a third time at length and passed.

Yeas 66; Nays 15.

Yea:

Mr. Speaker, Anderson, Barnes, Biddle, Black (L), Black (M), Bryant, Burke, Buskey, Butler, Cagle, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Flowers, Gaines, Gaston, Goodwin, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hilliard, Hogan, Holmes, Hooper, Knight (A), Knight (J), Kvalheim, Layson, Letson, Mathis, McClain, McDaniel, McDowell, Melton, Millican, Morton, Newton (D), Parker (T), Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Spratt, Thomas, Turner, Turnham, Venable, Warren, White and Williams.

-66

Nay:

Representatives Beasley, Carns, Dolbare, Ford, Freeman, Hamilton, Holley, Laird, McKee, Mikell, Morrow, Newton (C), Payne, Smith (C) and Smith (R).

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REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 34, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

REPRESENTATIVE JACK VENABLE
REPRESENTATIVE ALVIN HOLMES
REPRESENTATIVE TAYLOR HARPER

Conferees on the Part of the House

SENATOR WALTER OWENS
SENATOR GERALD DIAL
SENATOR LOWELL BARRON

Conferees on the Part of the Senate

A BILL TO BE ENTITLED AN ACT

To amend Act 93-652, S. 16, 1993 Regular Session, further defining eligibility and making an appropriation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Act 93-652, S. 16, 1993 Regular Session, is amended to read as follows:

"Section 1. The following words and terms used in this act shall have the meanings as set forth in this section:

"(1) Active member. A member of a federally recognized unit of the Alabama National Guard meeting the minimum requirements for satisfactory membership as defined in the regulations of the Department of the United States Army and the Department of the United States Air Force.

"(2) Alabama National Guard. Federally recognized units of the Alabama National Guard.

"(3) Degree Enhancing Curriculum Objective. A series of courses ~~programmed to culminate in a specific degree when successfully completed~~ (enrolled hours) which apply toward a specific degree.

"(4) Tuition. The total semester, quarter, or classroom hour cost of instruction and fees, excluding Late Registration Fees, Academic Penalty Fees and Electives fees, to the student as periodically published in the catalog of the educational institution, not to exceed the average full-time class load.

"(5) Tuition Benefits. The difference in the amounts provided for tuition pursuant to the Montgomery G. I. Bill, any other VA Educational Benefits, any student grant or scholarship, Active Duty Tuition Assistance Program and the Alabama National Guard Education Assistance Program, or where no other tuition benefit is available, the full amount of tuition. Title IV Financial Aid application must be filed and Student Aid Report submitted to an institutions's Financial Aid Office prior to the student's registration.

"Section 2. (a) Any active member of the Alabama National Guard who has successfully completed advanced individual training or commissioning shall be entitled to the tuition benefits provided by this act upon his or her enrollment in a degree enhancing curriculum objective in any community or junior college, ~~vocational or technical school~~ that is under the authority of the state board of education, or enrollment in pursuit of his or her ~~enrollment in an first~~ undergraduate degree enhancing curriculum objective in any public college or university within the state. Certification and eligibility for the tuition benefits provided by this act shall be determined by the state education services office of the Alabama National Guard which shall promulgate and implement administrative rules and procedures that it deems necessary to carry out and monitor the tuition benefits provided by this act.

"(b) Any active member of the Alabama National Guard who enrolls utilizing the tuition benefits provided by this act shall complete the requirements for an undergraduate degree no later than ten years from the date of initial enrollment or the active member shall be responsible for all costs of any further studies required to attain his or her degree. Active member must currently have and Failure to maintain an overall "C" average, or the grade point equivalent thereof, at the end of each term. conclusion of any two successive semesters or any three successive quarters Failure to do so shall result in the termination of the tuition benefits provided by this act. If a student withdraws, declares academic bankruptcy, or is granted a grade waiver through a forgiveness program, he or she is responsible for paying back that portion of tuition and fees the state paid on his or her behalf.

"(c) Each educational institution that enrolls an active member of the Alabama National Guard who is eligible for the tuition benefits provided by this act shall take necessary action to insure that the active member is aware of all benefits that he or she may be entitled to under the Montgomery G. I. Bill, any other VA educational benefits, any student grant or scholarship, the Active Duty

Tuition Assistance Program, and the Alabama National Guard Education Assistance Program. In order to receive the tuition benefits provided by this act, the active member of the Alabama National Guard shall take the necessary steps to utilize all of the above benefits.

"Section 3. The tuition benefits provided by this act may be terminated for the following reasons:

"(i) Failure to satisfactorily complete the Alabama National Guard military obligation.

"(ii) Failure to maintain a 90 percent attendance at annual training and drill assemblies as required by the Alabama National Guard.

"(iii) Four unsatisfactory drill performances in a calendar year while enrolled in the tuition benefits program provided by this act.

"Section 4. Any active member of the Alabama National Guard who is an out-of-state resident shall qualify for the tuition benefits provided by this act subject to the following limitations and conditions:

"(i) The member enrolls in an educational institution within this state.

"(ii) The tuition benefits provided to the out-of-state member shall not exceed an amount equivalent to the amount the member would have received if he or she resided in Alabama.

"Section 5. The provisions of this act shall be supplemental to any other laws providing educational assistance to active members of the Alabama National Guard, and shall not repeal any law not in conflict with this act.

"Section 6. There is hereby appropriated to the Alabama Commission on Higher Education (ACHE) from the Special Educational Trust Fund of the State of Alabama a sum not to exceed Six Hundred Thousand (\$600,000) Dollars for the fiscal year 1993-94. This appropriation shall be used by ACHE for the purpose of establishing and funding tuition benefits to active members of the Alabama National Guard who meet eligibility requirements as defined in this Act and the administrative expenses incident thereto. ACHE shall distribute appropriated funds to public institutions on behalf of and to the credit of eligible students. The benefits and expenses for fiscal year 1993-94 shall be capped at a maximum of \$600,000.

"Section 7. The Alabama Commission on Higher Education shall serve as fiscal agent. Each institution shall submit to the Alabama Commission on Higher Education a copy of the guard member's completed application which shall serve as a basis of payment. Neither ACHE nor the public institutions shall pay nor be held responsible for tuition benefits to otherwise eligible students in the Alabama National Guard Education Assistance Program which are in excess of available appropriations. The tuition benefits of this program shall be mandated only to the extent that funds are appropriated by the Legislature for the program.

"Section 6 8. The tuition benefits provided by this act shall begin the fall semester or quarter of 1993.

"Section 7 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Venable, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 34, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 86; Nays 3.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Drake, Flowers, Ford, Freeman, Gaines, Gaston, Goodwin, Gullatt, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Warren, White, Williams and Willis.

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Nay:

Representatives Dolbare, Haney and McDowell.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 28. DECLARING THE INTENT OF THE LEGISLATURE RESPECTING THE PASSAGE OF ACT 93-612 PROVIDING A COST-OF-LIVING BONUS FOR CERTAIN STATE EMPLOYEES.

Also:

S.J.R. 30. COMMENDING LIEUTENANT GENERAL SAMUEL E. EBBESEN ON HIS DISTINGUISHED MILITARY CAREER.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 22. To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, relating to the requirement that written educational policies of county and city boards of education be filed with the State Superintendent of Education.

Also:

S. 73. Amending Section 16-11-3 of the Code of Alabama 1975, relating to members of city boards of education, specifying when members assume office.

Also:

S. 78. To amend Section 22-14-5, Code of Alabama 1975, which provides for the members of the Radiation Advisory Board of Health, to include a veterinarian on the board.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 14. To make both a supplemental appropriation and a conditional appropriation from the Alabama Special Educational Trust Fund to the Alabama Institute for Deaf and Blind for the fiscal year ending September 30, 1993.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Haynes, the House concurred in and adopted the Senate amendment to the bill, H. 14, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make both a supplemental appropriation and a conditional appropriation from the Alabama Special Educational Trust Fund to the Alabama Institute for Deaf and Blind and to make a supplemental appropriation to the State Board of Education for the Greene County School Board for the fiscal year ending September 30, 1993.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated from the Alabama Special Educational Trust Fund to the Alabama Institute for Deaf and Blind the sum of \$240,000 for the fiscal year ending September 30, 1993 to be used by the Institute for the purchase of textbooks, equipment or other educational supplies. The appropriation herein shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Alabama Institute for Deaf and Blind.

Section 2. In addition to the appropriation in Section 1 above, there is hereby conditionally appropriated the additional sum of \$144,000 from the Alabama Special Educational Trust Fund to the Alabama Institute for Deaf and Blind for the fiscal year ending September 30, 1993 to be used for the purchase of textbooks, equipment or other educational supplies. The conditional appropriation in this Section 2 shall be released when the conditions are met in Act 93-776 (HB 977) of the 1993 Regular Session and the conditional appropriations in Act 93-776 are released.

Section 3. There is hereby appropriated to the State Board of Education from the Alabama Special Educational Trust Fund the sum of \$200,000 for the fiscal year ending September 30, 1993 to be allocated to the Greene County School Board for operations and maintenance.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 81; Nays 8.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hammett, Harvey, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Warren, Williams and Willis.

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Nay:

Representatives Hamilton, Haney, Hawkins, McKee, Mikell, Sanderson, Turner and Walker.

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REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL 27

We, the Committee of Conference appointed to reconcile the difference between the two houses concerning House Bill 27, have met, considered the bill, and have agreed to the following:

Substitute for H. 27 is attached.

Respectfully submitted,

TAYLOR F. HARPER
PERRY O. HOOPER, JR.
E. B. MCCLAIN

Conferees on the part of the House

STEVE WINDOM
JACK FLOYD
LOWELL BARRON

Conferees on the part of the Senate

A BILL
TO BE ENTITLED
AN ACT

To make legislative findings with respect to the need for additional powers of the State Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and research projects; to establish criteria for the selection of enterprises and projects eligible for financing by the Authority; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to grant certain incentives to companies proposing to construct projects in the State, including credits against the corporate income tax and the collection of certain fees from employees; to grant to employees from whom such fees have been collected a credit against State income taxes; to permit the Authority to establish tax increment funds out of which Project Obligations may be made payable and to provide for payments into such funds; to permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to require the Authority to report to the Legislature annually; to confirm that the Authority is exempt from taxation; and to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm or corporation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. Amendment of Title 41, Chapter 10 of the Code of Alabama 1975. Title 41, Chapter 10 of the Code of Alabama 1975 is hereby amended by adding the following as Article 2A thereof:

*ARTICLE 2A

Additional Powers of State Industrial Development Authority.

§41-10-44.1. Legislative Intent With Respect to Additional Powers of the Authority.

The Legislature has found and determined that the economic well-being of the citizens of the State of Alabama will be enhanced by the increased development and growth of industry within the State and that it is in the best interest of the State to induce the location or expansion of industrial and research facilities within the State in order to promote the public purpose of creating new jobs within the State. The Legislature further has found and determined that the inducements herein provided will encourage the creation of jobs which would not otherwise exist and will create new sources of tax revenues for the State and its political subdivisions. The Legislature hereby finds and declares that the powers to be granted to the Authority by this Act and the purposes to be accomplished hereby are proper governmental and public purposes and that the inducement of the location or expansion of industrial and research facilities within the State is of paramount importance. The Legislature intends that the powers herein granted to the Authority shall be in addition to those which it already possesses.

This Act shall be liberally construed in conformity with intentions of the Legislature expressed above.

§41-10-44.2. Additional Definitions. In addition to the definitions contained in Sections 41-10-20 and 41-10-36, the following terms shall have the following meanings, respectively, when used in this Article 2A unless the context clearly requires otherwise:

"Approved Company" means any corporation, partnership, trust or other form of business entity approved by the Authority pursuant to the provisions hereof.

"Financing Agreement" means any loan, agreement, financing agreement, credit agreement, security agreement, mortgage, guaranty agreement or other type of agreement entered into by the Authority and an Approved Company in connection with the financing of a Project by the Authority.

"Industrial or Research Enterprise" means any trade or business described in 1987 Standard Industrial Classification Major Groups 20 through 39, inclusive, 50 and 51, Industrial Group Number 737, and Industry Numbers 8731, 8733 and 8734, as set forth in the Standard Industrial Classification Manual published by the United States Government Office of Management and Budget, and includes such trades and businesses as the same may be hereafter reclassified in any subsequent publication of the Standard Industrial Classification Manual.

"Job Development Fee" means the amount permitted to be withheld by an Approved Company from the gross wages of the employees at a Project pursuant to the provisions of this Act.

"Major Project" means any Project the capital cost of which is expected to equal or exceed \$100,000,000.

"Project" means any land, building or other improvement, and all real and personal properties deemed necessary or useful in connection therewith, whether or not now in existence, which shall be located in the State and shall be acquired, constructed, expanded or installed for use by an Approved Company as an Industrial or Research Enterprise.

"Project Costs" means all costs and expenses incurred by the Authority or an Approved Company in connection with the acquisition, construction, installation and equipping of a Project, including, without limitation:

a. The costs of acquiring, constructing, installing and equipping a Project, including all obligations incurred for labor and to contractors, subcontractors, builders, and materialmen;

b. The costs of acquiring land or rights in land and any cost incidental thereto, including recording fees;

c. The costs of contract bonds and of insurance of all kinds that may be required or necessary during the acquisition, construction or installation of a Project;

d. The costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations, environmental mitigation and supervision of construction, as well as for the performance of all the duties required by or consequent upon the acquisition, construction and installation of a Project;

e. The costs associated with installation of fixtures and equipment; surveys, including archeological and environmental surveys; site tests and inspections; subsurface site work; excavation; removal of structures, roadways, cemeteries, and other surface obstructions; filling, grading, and provisions for drainage, storm water retention, installation of utilities, including water, sewer, sewage treatment, gas, electricity, communications, and similar facilities; off-site construction of utility extensions to the boundaries of the property; and paving;

f. Interest costs prior to and during the acquisition, construction, installation and equipment of the Project and for a period of up to two years after completion of the Project;

g. All costs, expenses and fees incurred in connection with the issuance of Project Obligations, including, without limitation, all legal, accounting, financial, printing, recording, filing and other fees and expenses;

h. The costs for obtaining bond insurance, letters of credit or other forms of credit enhancement or liquidity facilities; and

i. All other costs of a nature comparable to those described.

"Project Obligation" means any bond, note, debenture, certificate or other form of indebtedness, including refunding bonds or obligations, issued by the Authority pursuant to this Article 2A.

"Tax Increment Fund" means any trust fund established pursuant to Section 41-10-44.8.

§41-10-44.3. Additional Powers of Authority. In addition to the powers granted to it in Section 41-10-26 and in Sections 41-10-37 through 41-10-43, the Authority shall have the following powers:

(1) To adopt and alter bylaws for the regulation and conduct of its affairs and business;

(2) To borrow money and to issue Project Obligations, whether or not the interest thereon is excluded from gross income for federal income tax purposes, for the purpose of financing Project Costs, and to provide for the rights of the purchasers, holders or owners of its Project Obligations;

(3) To execute and deliver mortgages, security agreements and trust indentures and other forms of agreements for the purpose of securing its Project Obligations, and in connection therewith, to mortgage, pledge or assign the revenues, receipts and other property of the Authority received, and the Financing Agreements entered into by the Authority in connection with, the financing of Projects under this Article 2A;

(4) To purchase promissory notes, mortgages, security interests or participations in promissory notes evidencing loans executed to provide financing for Projects and to enter into contracts and agreements in that regard;

(5) To make loans to any Approved Company for Project Costs, which loans may be evidenced or secured by loan agreements, promissory notes, mortgages, security agreements, assignments, letters of credit, guaranties, surety bonds, insurance policies or such other instruments, or upon such terms and conditions as the Board of Directors shall determine to be reasonable. In entering into any Financing Agreement, the Authority shall have the right and power to require the inclusion therein of such provisions or requirements for guaranties of obligations, insurance, construction, use, operation, maintenance, management and financing of a Project, and such other terms and conditions, as the Authority may deem desirable and appropriate;

(6) To arrange for various forms of security or credit enhancement for its Project Obligations including letters of credit, guaranties, policies of insurance, surety bonds and the like;

(7) To sell mortgages and security interests at public or private sale, to negotiate modifications or alterations in mortgage and security interests, to foreclose on any mortgage or security interest in default or commence any action to protect or enforce any right conferred upon it by any law, mortgage, security agreement, contract, or other agreement, and to bid for and purchase property which was the subject of such mortgage or security interest at any foreclosure or at any other sale, to acquire or take possession of any such property, and to exercise any and all rights as provided by law for the benefit or protection of the Authority or the holders of Project Obligations;

(8) To collect such fees and charges in connection with its loans, Project Obligations and Financing Agreements, including, but not limited to, reimbursement of costs of financing, as the Authority shall determine to be reasonable;

(9) To make and execute contracts for the servicing of loans made by the Authority and mortgages acquired by the Authority and to pay the reasonable value of services rendered to the Authority pursuant to such contracts;

(10) To accept gifts, grants, loans, appropriations and other forms of aid from the federal government, the State or any State agency, or any political subdivision of the State, or any person or corporation, foundation, or legal entity, and to agree to and comply with any conditions attached to federal and State financial assistance not inconsistent with the provisions of this Article 2A;

(11) To invest moneys of the Authority not required for immediate use, including proceeds from the sale of any Project Obligations, in such manner as the Board of Directors shall determine;

(12) To establish accounts in one or more depositories;

(13) To appoint, employ, contract with and provide for the compensation of, such employees and agents, including engineers, attorneys, contractors, consultants, accountants, fiscal advisors, trustees, paying agents, investment bankers and underwriters as the Board of Directors shall deem necessary or desirable for the conduct of the business of the Authority; provided, however, that when hiring investment bankers and underwriters, the Board of Directors shall retain the firm(s) requested by an Approved Company unless there is a compelling reason to the contrary, and provided further that when hiring investment bankers, underwriters, or attorneys, they shall retain a firm(s) whose principal office is located in the state;

(14) To make, enter into and execute Financing Agreements and such other contracts, agreements or other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the Authority was organized or to exercise any power granted to it;

(15) To establish one or more Tax Increment Funds with respect to a Project as provided in Section 41-10-44.8;

(16) To exercise any power granted by the laws of the State to public or private corporations which is not in conflict with the public purpose of this Act; and

(17) To adopt and promulgate administrative regulations necessary or appropriate to effectuate its purposes and to administer the program authorized herein.

§41-10-44.4. Determination of Approved Companies. The Authority shall promulgate criteria for the determination and selection of Approved Companies and the approval of Projects proposed by such Companies. Such criteria shall give greatest weight to the creditworthiness of the Project sponsors, the number, type and quality of new jobs to be provided by the Project to residents of the State, and the economic viability of the proposed Project. The Authority may include in its criteria requirements relating to the capital costs of, and projected employment to be produced by, Projects eligible for financing under this Act and requirements relating to the employment of previously unemployed or underemployed persons. The Authority shall require as a condition for designation as an Approved Company either (i) that the average hourly wage for full-time hourly wage paid employees at the Project be at least eight dollars per hour, or (ii) that the average total compensation (including benefits) for full-time paid employees at the Project be at least equivalent to ten dollars per hour. With respect to each applicant for financing under this Act, and with respect to the Project described in its application, the Authority shall request such materials and make such inquiries as are necessary to determine whether the applicant and its proposed Project satisfy the Authority's announced criteria and to conduct an adequate cost/benefit analysis with respect to the proposed Project and the incentives proposed to be granted by the Authority with respect thereto. After a diligent review of the relevant materials and completion of its inquiries and analysis, the Authority may by resolution of its Board of Directors designate an applicant as an Approved Company and authorize the undertaking of its Project.

§41-10-44.5. Legislative Oversight of the Authority. The criteria promulgated by the Authority for the selection of Approved Companies shall be subject to prior approval by the Legislative Council. The Legislative Council shall approve or disapprove the general criteria proposed by the Authority within thirty (30) days after the submission of said criteria to the Legislative Council. The Authority shall report quarterly to the Legislative Council on each Project approved pursuant to such criteria, the amount of the financing provided to each Approved Company, the projected value of the tax incentives granted to each Approved Company and any other specific information requested by the Legislative Council.

§41-10-44.6. Project Obligations Generally.

(a) Issuance of Project Obligations.--The Authority is authorized and empowered to issue its Project Obligations from time to time for the purpose of financing one or more Projects in such aggregate principal amount as the Board of Directors shall determine to be necessary to provide for all or a portion of the Project Costs of the Project or Projects being financed and to pay the expenses of issuing the Project Obligations.

(b) Source of Payment.--All Project Obligations issued by the Authority shall be limited obligations of the Authority payable solely from any combination of the following: (1) the revenues and receipts of the Authority derived from the Financing Agreement or Agreements entered into by the Authority with respect to the Project or Projects financed by such Project Obligations; (2) the income or proceeds realized by the Authority under any mortgage or other security granted to the Authority; (3) amounts derived from any letter of credit, insurance policy or other form of credit enhancement applicable to the Project Obligations or loans made from the proceeds thereof; (4) any reserve or other fund established for such purpose by the Authority; (5) any earnings on the proceeds of Project Obligations invested by the Authority pending their disbursement; and (6) any Tax Increment Fund or Funds established by the Authority. Project Obligations shall not be general obligations of the Authority, shall not be payable from any portion of the tax receipts pledged and appropriated to the Authority for payment of Bonds issued under Article 2 and shall not create a debt or obligation of the State.

(c) Pledge of revenues, receipts and other security.--The principal of, premium, if any, and interest on any Project Obligations issued by the Authority shall be secured by a pledge of the revenues, receipts, funds and other property out of which the same may be payable and may be secured by a mortgage and deed of trust or trust indenture conveying as security for such Project Obligations all or any part of the property of the Authority from which the revenues or receipts so pledged may be derived.

The resolution of the Board of Directors under which any Project Obligations are authorized to be issued and any such mortgage and deed of trust or trust indenture may contain any agreements and provisions respecting the collection and disposition of the revenues and receipts subject to such mortgage and deed of trust or trust indenture, the creation and maintenance of special funds from such revenues and receipts, the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made and the rights and remedies available in the event of default, all as the Board of Directors shall deem advisable. Any pledge made with respect to Project Obligations shall be valid and binding from the time such pledge is made; the revenues, receipts, funds and other property so pledged shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and the lien of such pledge shall be valid and binding as against all parties having claims of any kind against the Authority irrespective of whether such parties have notice thereof. Neither the resolution of the Board of Directors authorizing the Project Obligations nor any other instrument by which such pledge is created need be recorded. Nonetheless, the Authority may elect to have the provisions of the Alabama Uniform Commercial Code apply to any pledge made by or to the Authority to secure its Project Obligations by filing a financing statement or statements with respect to the security interest created by such pledge, notwithstanding the exclusion of Section 7-9-104(e) of the Code of Alabama 1975. Each pledge, agreement, mortgage and deed of trust or trust indenture made for the benefit or security of any of the Project Obligations of the Authority shall continue effective until the principal of and interest on the Project Obligations for the benefit of which the same were made shall have been fully paid.

In the event of default in such payment or in any agreements of the Authority made as a part of the contract under which the Project Obligations were issued, whether contained in the proceedings authorizing the Project Obligations or in any mortgage and deed of trust or trust indenture executed as security therefor, such default may be enforced by mandamus, the appointment of a receiver, or either of said remedies, and foreclosure of such mortgage and deed of trust or trust indenture may, if provided for in said instrument, be had.

(d) Execution.--All Project Obligations issued by the Authority shall be signed by the President or the Vice President of the Authority and attested by its Secretary, and the seal of the Authority shall be affixed thereto and attested by the Secretary. The signatures of the President, the Vice President and the Secretary may be facsimile signatures and a facsimile of the seal of the Authority may be imprinted on Project Obligations if the Board of Directors provides for the manual authentication of Project Obligations by a trustee, or paying agent. Delivery of any Project Obligations so executed shall be valid notwithstanding any change in the officers of the Authority or in the seal of the Authority after such delivery.

(e) General provisions respecting form, interest rate, maturities, sale and negotiability of Project Obligations.--Project Obligations may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this Article, and shall bear such rate or rates of interest, payable and evidenced in such manner, or may bear no interest, as may be provided by resolution of the Board of Directors. Project Obligations of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the Board of Directors to be most advantageous. The Authority may pay all fees, expenses, premiums and commissions incurred in connection with the issuance of any of its Project Obligations. All Project Obligations, except those registered as to principal or as to both principal and interest, and any interest coupons applicable thereto issued by the Authority, shall be construed to be negotiable instruments although payable solely from a specified source.

(f) Eligibility for investment.--Project Obligations of the Authority are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the State.

§41-10-44.7. Proceeds from the Sale of Project Obligations; Revenues and Other Funds.

(a) After making adequate provision for the payment of the expenses of issuance, the Authority is authorized and empowered to use the proceeds of any Project Obligations, together with any other available funds, (i) to finance Project Costs as herein authorized; (ii) to fund such reserves as the Authority deems necessary and desirable; and (iii) to the extent not needed for the foregoing uses, to pay or redeem such Project Obligations.

(b) Pending the application of the proceeds of Project Obligations to the purpose or purposes for which such Project Obligations were issued, such proceeds may be invested by the Authority in such manner, consistent with the resolution pursuant to which such Project Obligations are issued, as the Board of Directors may deem advisable.

(c) Any and all revenues, receipts, investment earnings and other funds paid to, or otherwise coming into the possession of, the Authority as a result of financings accomplished from the proceeds of Project Obligations, shall be held, deposited, administered, invested and applied as provided in the resolution of the Board of Directors authorizing the issuance of such Project Obligations and as provided in any trust indenture or other agreement delivered in connection therewith, or otherwise as the Authority may direct, consistent with the provisions of such resolution, trust indenture or other agreement.

§41-10-44.8. Tax Credits, Job Development Fees and Other Incentives. (a) Upon the issuance by the Authority of its Project Obligations for the purpose of financing a Project for an Approved Company, the Approved Company:

(1) shall receive a credit against the corporate income tax levied by Section 40-18-31 that otherwise would be owed to the State in any year by the Approved Company on its income generated by or arising out of the Project, such credit not to exceed the lesser of (i) the amount due in tax, or (ii) the amount paid by the Approved Company pursuant to a Financing Agreement in the year for which the tax is due, corresponding to debt service on the Project Obligations; and

(2) may elect to withhold and retain the aggregate Job Development Fees described in paragraph (b) below, but only to the extent that debt service payments under the Financing Agreement(s) exceed the income tax credit permitted in (1) above.

The incentives described in (1) and (2) above shall be available to an Approved Company whose Project is financed by the Authority's Project Obligations for a period commencing on the date of issuance of such Project Obligations and, subject to the provisions of paragraph (c) below, ending on the first to occur of the following: (i) the termination of the Financing Agreement(s) entered into with respect to such Project Obligations; (ii) the maturity or earlier redemption or payment of the Project Obligations; or (iii) 25 years from the date the Project is first placed in service. Immediately upon issuing any Project Obligations, the Authority shall provide to the Department of Revenue the name of the Approved Company for whose benefit such Project Obligations were issued and sufficient information to determine the duration of the corporate income tax credit and the Job Development Fees described in (1) and (2) above, respectively.

(b) As provided in paragraph (a) (2) above, an Approved Company may require, as a condition of employment, that each person employed by the Approved Company at the Project financed by the Authority's Project Obligations

agree to permit the Approved Company to deduct and withhold a Job Development Fee not to exceed five percent (5%) from the gross wages paid to such employee by the Approved Company. Job Development Fees shall not be collected from persons employed by an Approved Company prior to the entry by such Approved Company into an agreement with the Authority for financing of a Project. If an Approved Company elects to collect a Job Development Fee, it shall deduct the said fee from the paycheck of each new employee and shall make its payroll books and records available for inspection by the Authority or its designee at such reasonable times as the Authority may request. Each Approved Company collecting a Job Development Fee shall be required to file with the Authority such information and documentation respecting the imposition and collection of such fee as the Authority may require. Each Approved Company collecting a Job Development Fee shall be permitted a credit against the withholding tax liability provided in Section 40-18-76 otherwise owed to the State, such credit not to exceed the lesser of (i) the amount of such tax, or (ii) the aggregate Job Development Fees withheld.

Each employee who has been assessed a Job Development Fee as provided above, shall be entitled to a credit against his or her State income taxes in an amount equal to 100% of the Job Development Fee withheld from the employee's wages during the calendar year. Each employee who has been assessed a Job Development Fee as provided above shall be entitled to a credit against his or her withholding tax liability calculated pursuant to Section 40-18-71 in an amount equal to 100% of the Job Development Fee withheld from the employee's wages during the calendar year.

(c) If an Approved Company fails to achieve the level of capital investment or employment anticipated at the time the Authority agreed to finance its Project, the Department of Revenue may, after notice and hearing, reduce or suspend all or any part of such incentives until such time as the anticipated capital investment and employment levels are met; provided, however, that such incentives shall not be suspended retroactively. The Authority may provide in the Financing Agreement(s) entered into in connection with a Project for the levels of capital investment and employment expected to be achieved and for the time period(s) in which such levels are to be achieved.

(d) The Board of Directors of the Authority may, upon the written request of any local industrial development board, industrial development association, chamber of commerce or other similar local entity, solicit and request from any person, corporation, foundation or other legal entity any gift, grant, contribution, loan or other kind of aid or assistance, whether in the form of property, services or monies, which the Board of Directors deems necessary to provide to an Approved Company in order to induce such Company to undertake a Major Project within the State. Any such solicitation or request by the Authority may be made only upon the condition that the person, corporation, foundation or other legal entity from whom assistance is requested agrees to continue its support for local economic development activities. The Authority shall only be permitted to solicit

assistance with respect to identified Major Projects and shall not solicit contributions for any general purpose. Any assistance which is provided to the Authority and not used for the Major Project for which it was requested, shall be returned pro rata to the persons, corporations, foundations or other entities providing such assistance. The decision to provide all or a portion of the assistance requested by the Authority shall lie solely within the discretion of the person, corporation, foundation or other legal entity receiving the request. Any assistance provided to the Authority pursuant to the provisions of this paragraph (d) is hereby deemed to have a valid business purpose and shall be allowed as a deduction against the corporate income tax levied by Section 40-18-31, the personal income tax levied by Section 40-18-2, or the financial institution excise tax levied by Section 40-16-4, whichever is appropriate. If assistance is provided to the Authority by any person, corporation, foundation or other legal entity, whether regulated or non-regulated, the cost of such assistance will be deemed to be a prudent, legal and non-discriminatory expenditure for all purposes of State law and regulation.

§41-10-44.9. Establishment of Tax Increment Funds. In order to provide a method of financing Project Costs other than by the issuance of Project Obligations payable from the amounts required to be paid by an Approved Company under a Financing Agreement, the Authority may establish one or more Tax Increment Funds with respect to a Project, into which the Authority and an Approved Company may agree that the Approved Company will deposit either or both of the following: (i) an annual amount equal to the amount of corporate income tax levied by Section 40-18-31 that otherwise would be owed by the Approved Company on its income generated by or arising from such Project, and (ii) the aggregate Job Development Fees withheld by the Approved Company as provided in Section 41-10-44.7. The Authority may also arrange for any gifts, grants, loans, appropriations or other forms of aid from the federal or State governments or from any other public or private entity to be paid into a Tax Increment Fund. As provided in Section 41-10-44.5, the Authority may issue and sell Project Obligations payable solely or in part from the monies in any such Tax Increment Fund and may use the proceeds of any such Project Obligations for the payment of Project Costs. If determined to be necessary or desirable, the Authority and an Approved Company may specify a minimum annual amount to be paid into a Tax Increment Fund with respect to corporate income taxes and Job Development Fees. Any Tax Increment Fund established pursuant to this section shall be held by the Authority or by a trustee designated by the Authority as a trust fund for the benefit of the owners of the Authority's Project Obligations, all upon such terms as the Board of Directors may establish by resolution.

Any payments into a Tax Increment Fund made by an Approved Company with respect to corporate income taxes as provided in (i) above, shall be permitted as a credit against the corporate income tax levied by Section 40-18-31 that would otherwise be owed to the State in any year by such Approved Company on its income generated by or arising from the Project, such credit not to exceed the lesser of the amount due in tax, or the amount (exclusive of Job Development Fees) paid into the Tax Increment Fund.

§41-10-44.10. Refunding Obligations. Any Project Obligations issued by the Authority may from time to time be refunded by the issuance, by sale or exchange, of refunding bonds or obligations payable from the same or different sources for the purpose of paying all or any part of the principal of the Project Obligations to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such Project Obligations that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the Project Obligations to be refunded, any interest to accrue on each Project Obligation to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with refunding; provided, that unless duly called for redemption pursuant to provisions contained therein, the holders of any such Project Obligations then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding Project Obligations for such refunding. Any refunding bonds or obligations may be sold by the Authority at public or private sale at such price or prices as may be determined by the Board of Directors to be most advantageous, or may be exchanged for the Project Obligations to be refunded. Any such refunding bonds or obligations may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and have such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this article, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of the Board of Directors.

Any refunding bonds or obligations issued by the Authority shall be issued and secured in accordance with the provisions of Section 41-10-44.5; provided, however, that no refunding bonds shall be issued unless the present value of all debt service on the refunding bonds (computed with a discount rate equal to the true interest rate of the refunding bonds and taking into account all underwriting discount and other issuance expenses) shall not be greater than 95% of the present value of all debt service on the bonds to be refunded (computed using the same discount rate and taking into account the underwriting discount and other issuance expenses originally applicable to such bonds) determined as if such bonds to be refunded were paid and retired in accordance with the schedule of maturities (considering mandatory redemption as a scheduled maturity) provided at the time of their issuance. Provided further that the average maturity of the refunding bonds, as measured from the date of issuance of such refunding bonds, shall not exceed by more than three years the average maturity of the bonds to be refunded, as also measured from such date of issuance, with the average maturity of any principal amount of bonds to be determined by multiplying the principal of each maturity by the number of years (including any fractional part of a year) intervening between such date of issuance and each such maturity, taking the sum of all such products, and then dividing such sum by the aggregate principal amount of bonds for which the average maturity is to be determined.

§41-10-44.11. Notice of resolution; limitation on proceedings questioning or attacking obligations. Upon the adoption by the Board of Directors of the Authority of any resolution providing for the issuance of Project Obligations, the Authority may, in its discretion, cause to be published once a week for two consecutive weeks, in newspapers published or having a general circulation in the cities of Birmingham, Montgomery, Huntsville and Mobile, a notice in substantially the following form (the blanks being properly filled in) at the end of which shall be printed the name and title of either the President or the Secretary of the Authority:

"The State Industrial Development Authority, a public corporation under the laws of the State of Alabama, on the ____ day of _____, authorized the issuance of \$_____ principal amount of bonds or other obligations of the said public corporation for purposes authorized in Title 41, Chapter 10, Article 2A of the Code of Alabama 1975. The proceeds from the sale of the said bonds or other obligations are proposed to be used to finance the acquisition, construction and installation of facilities to be located at _____, for the use and occupancy of _____. Any action or proceeding questioning the validity of the said bonds or other obligations, the security thereof, the use of the proceeds thereof or the proceedings authorizing the same, must be commenced within 30 days after the first publication of this notice."

Any action or proceeding in any court to set aside or question the proceedings for the issuance of the Project Obligations referred to in said notice or to contest the validity of any such Project Obligations, or the validity of security therefor, or the validity of the proposed use of the proceeds thereof, must be commenced within 30 days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking any of the foregoing shall be asserted, nor shall the validity of the said proceedings, Project Obligations, security or use of proceeds be open to question in any court on any ground whatsoever except in an action commenced within such period.

§41-10-44.12. Requirement to report to the Legislature. The Authority shall report annually to the Legislature as to its outstanding Projects. Such report shall be due on the fifth legislative day of each Regular Session and shall include a detailed accounting of each Project approved that year, the value of each outstanding Project, the date each Project will be completed, the criteria and cost/benefit analysis used to justify each Project and the amount of tax credits utilized and Job Development Fees retained by Approved Companies for each approved Project in that year. Such report shall also include all bond fees, attorneys fees, commissions paid and all other costs of financing each Project. The Authority shall include any other information requested by the Legislature by a Joint Resolution.

§41-10-44.13. Exemption from certain taxes and fees. The income and property of the Authority, all Project Obligations issued by the Authority and the interest paid on any such Project Obligations, all conveyances by or to the Authority, and all instruments by or to the Authority shall be exempt from all taxation in the State. The Authority shall also be exempt from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which the Authority may engage. The Authority shall not be obligated to pay or allow any fees, taxes or costs to the judge of probate of any county in respect of the recording of any document.

§41-10-44.14. Freedom of Authority from State supervision and control. Except as may be expressly provided in this Article, no proceeding, notice or approval shall be required for the issuance of any Project Obligations, the execution of any mortgage and deed of trust, trust indenture or other document or the exercise of any other of the powers of the Authority. Neither a public hearing nor the consent of the State Department of Finance shall be prerequisite to the issuance of Project Obligations by the Authority.

§41-10-44.15. Earnings of the Authority. The Authority is a nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation."

SECTION 2. Severability Clause. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 3. Repeal of Inconsistent Laws. Any statute, law or regulation of the State which conflicts with, or is inconsistent with, the provisions of this Act, is hereby repealed to the extent necessary to remedy such conflict or inconsistency.

SECTION 4. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; provided, however, there shall be a moratorium on the grant of any future tax incentives under the provisions of this act if the Legislature does not enact a Joint Resolution with recorded vote to continue the provisions of this act by the end of the 1997 Regular Session of the Legislature. The Legislature must enact a Joint Resolution with recorded vote to affirm the tax incentive provisions of this act by the end of the 1999 Regular Session and by the end of the Regular Session every two years thereafter or the tax incentive provisions of this act shall become null and void.

**MOTION TO CONCUR AND ADOPT
REPORT OF THE COMMITTEE ON CONFERENCE OFFERED**

Representative Harper offered the motion that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 27, said report being set out in the foregoing Report of the Committee on Conference.

**SUBSTITUTE MOTION TO NON-CONCUR AND REQUEST
NEW COMMITTEE ON CONFERENCE BE APPOINTED OFFERED**

Representative Payne offered the substitute motion that the House non-concur in the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 27, and requests the Speaker appoint a new Committee on Conference.

MOTION TO TABLE LOST

The motion offered by Representative Harper to table the substitute motion offered by Representative Payne that the House non-concur in the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 27, and requests the Speaker appoint a new Committee on Conference was lost.

Yeas 20; Nays 68.

Yea:

Mr. Speaker, Barnes, Black (L), Box, Bryant, Clay, Collins, Fuller, Gullatt, Harper, Holley, Holmes, Hooper, Knight (J), Millican, Morrow, Newton (D), Spratt, Turnham and Venable.

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Nay:

Representatives Anderson, Beasley, Biddle, Blakeney, Bowling, Buskey, Butler, Cagle, Carns, Carothers, Carter, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Gaines, Gaston, Hamilton, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Johnson, Knight (A), Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Morton, Newton (C), Page, Parker (P), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turner, Walker, Warren, White and Willis.

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**SUBSTITUTE MOTION TO NON-CONCUR AND REQUEST
NEW COMMITTEE ON CONFERENCE BE APPOINTED TABLED**

The question was then on the substitute motion offered by Representative Payne that the House non-concur in the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 27, and requests the Speaker appoint a new Committee on Conference, and on motion of Representative Harper, the substitute motion was tabled.

Yeas 71; Nays 18.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Burke, Butler, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Gullatt, Hammett, Harper, Hawkins, Haynes, Higginbotham, Hilliard, Holley, Holmes, Hooper, Johnson, Knight (J), Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, Melton, Millican, Morrow, Newton (C), Newton (D), Page, Parker (P), Parker (T), Penry, Perdue, Petelos, Powell, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White and Williams.

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Nay:

Representatives Biddle, Cagle, Carns, Cosby, Freeman, Hamilton, Haney, Harvey, Hogan, Layson, McDowell, McKee, McMillan, Mikell, Morton, Payne, Poole and Smith (R).

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REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

The question was then on the motion offered by Representative Harper that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 27, and the motion to concur was adopted.

Yeas 91; Nays 6.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey, Butler, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Bowling, Cagle, Dolbare, Drake, Holley and McDowell.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 14. To make both a supplemental appropriation and a conditional appropriation from the Alabama Special Educational Trust Fund to the Alabama Institute for Deaf and Blind and to make a supplemental appropriation to the State Board of Education for the Greene County School Board for the fiscal year ending September 30, 1993.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 34. To amend Act 93-652, S. 16, 1993 Regular Session, further defining eligibility and making an appropriation.

And said Bill, HB 34, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE
Secretary

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL 83

We, the Committee of Conference appointed to reconcile the difference between the two houses concerning House Bill 83, have met, considered the bill, and have agreed to the following:

Substitute for H. 83 is attached.

Respectfully submitted,

TAYLOR F. HARPER
PERRY O. HOOPER
E. B. MCCLAIN

Conferees on the part of the House

STEVE WINDOM
WALTER OWENS
LOWELL BARRON

Conferees on the part of the Senate

**A BILL
TO BE ENTITLED
AN ACT**

To amend Sections 40-16-1, 40-18-15, 40-18-21, 40-18-38, 40-18-71 and 40-18-82 of the Code of Alabama 1975 in order to reflect therein the allowance of personal and corporate income and financial institution excise tax deductions for certain contributions to the State Industrial Development Authority to help induce industrial and research facilities to locate in the State; to reflect therein the allowance of certain corporate income tax credits to induce industrial and research facilities to locate in the State; and to reflect therein the allowance of certain personal income tax credits to offset the impact upon employees of industrial and research facilities of certain other incentives provided to induce such facilities to locate in the State.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. Amendment of Section 40-16-1 of the Code of Alabama 1975.
Section 40-16-1 of the Code of Alabama 1975 is hereby amended to read as follows:

"§40-16-1. Definitions.

For the purpose of this chapter, the following terms shall have the respective meanings ascribed to them by this section:

(1) **FINANCIAL INSTITUTION.** Any person, firm, corporation and any legal entity whatsoever doing business in this state as a national banking association, bank, banking association, trust company, industrial or other loan company or building and loan association, and such term shall likewise include any other institution or person employing moneyed capital coming into competition with the business of national banks, and shall apply to such person or institution regardless of what business form and whether or not incorporated, whether of issue or not, and by whatsoever authority existing. The common parent corporation of a controlled group of corporations eligible to elect to file a consolidated excise tax return, in accordance with section 40-16-3, shall be considered a "financial institution" if such parent corporation is a registered bank holding company as defined by the Bank Holding Company Act of 1956, as amended. As a financial institution, the common parent corporation will be governed by sections 40-16-1 through 40-16-8 and exempt from all income taxes under sections 40-18-1 through 40-18-85, with the exception that the credit for licenses or taxes as provided by section 40-16-8 and the regulations issued or promulgated pursuant thereto by the department of revenue will not apply to amounts of excise tax on financial institutions imposed hereby and paid by such parent corporation. "Financial institution" shall not mean or include individual citizens and fiduciaries acting in a representative capacity for individual citizens, not engaged in a banking, loan, investment or similar business, but merely making personal investments of personal or fiduciary funds in bonds, notes or other evidences of indebtedness and not made in competition with the business of national banks, nor shall such term apply to insurance companies or insurance associations merely making investments of reserves in bonds, notes or other evidences of indebtedness and not made in competition with the business of national banks.

(2) **NET INCOME.** The net income for the taxable year, as in this title defined, arising from the business the privilege to engage in which is hereby taxed, computed by deducting from the gross income arising from such business, without any exclusions from or credit to such gross income, the total amount of the following deductions:

a. All the ordinary and necessary expenses paid or incurred during the year the income is received which is made the basis of the tax in carrying on the business, the privilege to engage in which is hereby taxed, including a reasonable allowance for salaries or other compensation for personal service actually rendered; also all contributions paid by a financial institution as employer to or under a stock bonus, pension, profit-sharing or annuity plan, or if compensation is paid or accrued on account of any employee of any financial institution under the plan deferring the receipt of such compensation, such contributions or compensation shall be deductible, but only to the following extent:

1. In the taxable year when paid, if the contributions are paid into a pension trust and if such taxable year ends within or with a taxable year of the trust for which the trust is exempt under section 40-18-25 in an amount determined as follows: (i) An amount not in excess of five percent of the compensation otherwise paid or accrued during the taxable year to all the employees under the trust, but such amount may be reduced for future years if found by the commissioner of revenue upon periodical examinations at not less than five year intervals to be more than the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan, plus (ii) any excess over the amount allowable under clause (i) necessary to provide with respect to all of the employees under the trust the remaining unfunded cost of their past and current service credits distributed as a level amount, or a level percentage of compensation, over the remaining future service of each such employee, as determined under regulations prescribed by the commissioner of revenue, but if such remaining unfunded cost with respect to any three individuals is more than 50 percent of such remaining unfunded cost, the amount of such unfunded cost attributable to such individuals shall be distributed over a period of at least five taxable years, or (iii) in lieu of the amounts allowable under (i) and (ii) above, an amount equal to the normal cost of the plan, as determined under regulations prescribed by the commissioner of revenue plus, if past service or other supplementary pension or annuity credits are provided by the plan, an amount not in excess of 10 percent of the cost which would be required to completely fund or purchase such pension or annuity credits as of the date when they are included in the plan, as determined under regulations prescribed by the commissioner of revenue; except, that in no case shall a deduction be allowed for any amount (other than the normal cost) paid in after such pension or annuity credits are completely funded or purchased, (iv) any amount paid in a taxable year in excess of the amount deductible in such year under the foregoing limitations shall be deductible in the succeeding taxable years in order of time to the extent of the difference between the amount paid and deductible in each such succeeding year and the maximum amount deductible for such year in accordance with the foregoing limitations.

2. In the taxable year when paid, in an amount determined in accordance with subparagraph 1 of this paragraph, if the contributions are paid toward the purchase of retirement annuities and such purchase is a part of a plan which meets the requirements of subsection (e) of section 40-18-25, and if refunds of premiums, if any, are applied within the current taxable year or next succeeding taxable year towards the purchase of such retirement annuities.

3. In the taxable year when paid, if the contributions are paid into a stock bonus or profit-sharing trust, and if such taxable year ends within or with a taxable year of the trust with respect to which the trust is exempt under subsection (e) of section 40-18-25, in an amount not in excess of 15 percent of the compensation otherwise paid or accrued during the taxable year to all employees under the stock bonus or profit-sharing plan. If in any taxable year beginning after the approval of this chapter by the governor there is paid into the trust, or a similar trust then in

effect, amounts less than the amounts deductible under the preceding sentence, the excess or, if no amount is paid, the amounts deductible shall be carried forward and be deductible when paid in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any such succeeding taxable year shall not exceed 15 percent of the compensation otherwise paid or accrued during such succeeding taxable year to the beneficiaries under the plan. In addition, any amount paid into the trust in a taxable year beginning after the approval of this chapter by the governor in excess of the amount allowable with respect to such year under the preceding provisions of this subparagraph shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this subparagraph shall not exceed 15 percent of the compensation otherwise paid or accrued during such taxable year to the beneficiaries under the plan. The term "stock bonus or profit-sharing trust," as used in this subparagraph, shall not include any trust designed to provide benefits upon retirement and covering a period of years, if under the plan the amounts to be contributed by the employer can be determined actuarially as provided in subparagraph 1. If the contributions are made to two or more stock bonus or profit-sharing trusts, such trusts shall be considered a single trust for the purposes of applying the limitations of this subparagraph.

4. In the taxable year when paid, if the plan is not one included in subparagraphs 1, 2 or 3, if the employees' rights to or derived from such employer's contribution or such compensation are nonforfeitable at the time the contribution or compensation is paid.

5. For the purposes of subparagraphs 1, 2 and 3, a taxpayer on the accrual basis shall be deemed to have made a payment on the last day of the year of accrual if the payment is on account of such taxable year and is made within 60 days after the close of the taxable year of accrual.

6. If amounts are deductible under subparagraphs 1 and 3, or 2 and 3, or 1, 2 and 3, in connection with the two or more trusts, or one or more trusts and an annuity plan, the total amount deductible in a taxable year under such trusts and plans shall not exceed 25 percent of the compensation otherwise paid or accrued during the taxable year to the persons who are the beneficiaries of the trusts or plans. In addition, any amount paid into such trust or under such annuity plans in any taxable year in excess of the amount allowable with respect to such year under the preceding provisions of this subparagraph shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year, together with the amount allowable under the first sentence of this subparagraph, shall not exceed 30 percent of the compensation otherwise paid or accrued during such taxable years to the beneficiaries under the trusts or plans. This subparagraph shall not have the effect of reducing the amount otherwise deductible under subparagraphs 1, 2 and 3, if no employee is a beneficiary under more than one trust, or a trust and an annuity plan. If there is no plan but a method of employer contributions or com-

pensation has the effect of a stock bonus, pension, profit-sharing, or annuity plan, or similar plan deferring the receipt of compensation, this paragraph shall apply as if there were such a plan. Also, all contributions or gifts made by financial institutions to a community chest or to recognized religious, charitable, scientific or educational institutions or agencies, or to institutions or agencies for the prevention of cruelty to children or animals, which are not operated for profit and no part of the net earnings of which inures to the benefit of any private stockholder or individual or contributions or gifts for vocational rehabilitation authorized by the United States Vocational Rehabilitation Act. The amount of such deduction shall not be, however, in excess of five percent of the financial institution's net income as computed without the benefit of this subsection. Such contributions or gifts shall be allowable as deductions only where made to a community chest or institution or agency recognized as such for the above purposes under rules and regulations prescribed by the department of revenue. Traveling expenses, including a reasonable amount expended for meals and lodgings while away from home in the necessary business of such institutions; rentals or other payments required to be made as the condition to the continued use or possession for the purposes of such business, or property to which the taxpayer has not taken or is not taking title or in which the taxpayer has no equity, provided the amount and the reasonableness of all such expenditures shall be approved by the state department of revenue.

b. All interest paid or accrued within the taxable year on the indebtedness of said business. Also, all dividends paid or accrued within the taxable year on the shares of preferred stock held or owned by a reconstruction finance corporation or any other governmental agency;

c. Taxes actually paid within the year in which the income on which the tax is based was received, except the excise tax imposed by this chapter and taxes assessed against local benefits of a kind tending to increase the value of the property assessed;

d. Losses sustained and determined during the taxable year by the business and not compensated for by insurance or otherwise:

1. The basis for determining the amount of any loss or gain shall be the cost to the financial institution of the asset disposed of less the actual depreciation sustained on physical asset and any reduction charged as an expense upon stocks, bonds or other securities in previous years.

2. No loss shall be allowable unless the property is actually disposed of and the loss thereby determined or an appraisal of the loss is made and allowed under the supervision of the department of revenue, except as hereinafter provided.

e. Debts ascertained to be worthless and charged off within the taxable year; provided, that a schedule of such debts shall be filed and the reasons supporting such claim for deduction be filed with the return; provided, further, that

bad debts shall not include losses on stocks and bonds or a reduction in the market value of such stocks and bonds except where loss is determined by the sale of such securities; provided, that in the case of any financial institution required by law to be examined by state, federal or federal reserve bank examiners, such debts can be charged off and to such an amount or extent as required to be charged off by state, federal or federal reserve bank examiners. Any reduction in the book value of any stocks or bonds carried on the books of any such financial institution required by any state, federal or federal reserve bank examiners shall be allowed as proper deductions by the state department of revenue. On the sale of any securities, the book value of which has been reduced on the requirement of such examiners, and the reduction so made claimed as a deduction, accomplishing a reduction of the tax paid, any excess of the sale price over said book value of such securities shall be reflected as income and subject to the excise tax levied by this chapter. When in the opinion of state, federal or federal reserve bank examiners a debt is recoverable only in part and when a part of such debt is charged off by requirement of state, federal or federal reserve bank examiners, the department of revenue shall allow a deduction in an amount equal to the amount of such charge-off;

f. A reasonable allowance for the exhaustion, wear and tear of property used in the business, including a reasonable allowance for obsolescence. The basis for determining the amount of such depreciation deduction shall be the cost of such property, or, if acquired prior to October 15, 1935, the basis shall be the depreciated cost as of October 1, 1935;

g. The amount received as dividends from a corporation organized and existing under the laws of the state of Alabama and the amount received as dividends in liquidation paid from capital;

h. In the discretion of the department of revenue, in lieu of such deductions for losses or bad debts, a reasonable addition to reserves therefor and for extraordinary expenses;

i. In the case of savings and loan associations the amount paid out as dividends on the withdrawable shares thereof;

j. In computing the net income of credit unions for the purpose of the excise tax levied by this chapter, there shall, in addition to all other deductions allowed by law, be deducted the amount paid out as dividends on the withdrawable shares of such credit union; and

k. All financial institutions shall be allowed to carry back their net operating losses to apply as a deduction against prior income, and to deduct from succeeding years' income the excess loss, if any, that is not absorbed thereby. For purposes of this subdivision, the term "net operating loss" means the excess of allowable deductions over gross income. No net operating loss deduction (arising out of a net loss in an earlier or later year) shall be allowed in computing a

net operating loss. Casualty losses and losses arising from theft, fraud and embezzlement, however, shall be deductible in computing the net operating loss. A net operating loss for a taxable year ending after the year 1952 may be carried back two years, then forward to the eight succeeding taxable years in chronological order; provided, that no part of the net operating loss which has been previously applied against income for one taxable year may be applied as a carryback or carryover to another taxable year. The net operating loss deduction allowed herein shall be the sum of the carrybacks and carryovers applicable to the taxable years. A successor financial institution shall be allowed to carry over and deduct from succeeding years' income, in the manner prescribed herein, the net operating loss of its predecessor. Refunds under the provisions of this subdivision shall be paid from the current year's receipts.

l. The amount of any aid or assistance, whether in the form of property, services or monies, provided to the State Industrial Development Authority pursuant to Section 41-10-44.7(d) in order to induce an Approved Company to undertake a Major Project within the State.

(3) **TAXABLE YEAR.** A full period of 12 consecutive months constituting the fiscal year or calendar year of each financial institution ended last prior to April 1, 1935, and thereafter ended last prior to April 1 of each year in which such tax is to be assessed. In the case of any business hereby taxed conducted only during a fractional period of any year, a return shall be made as herein provided and the tax computed as herein provided, and such tax as assessed shall be an excise for the privilege of doing business in this state for such fractional year.

(4) **STATE TAX YEAR.** The calendar year."

SECTION 2. Amendment of Section 40-18-15 of the Code of Alabama 1975. Section 40-18-15 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-18-15. Deductions for individuals generally.

(a) In computing net income, no deduction shall be allowed for any cost required to be capitalized in accordance with 26 U.S.C. § 263A; otherwise, there shall be allowed as deductions:

(1) All ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered and including rentals and other payments required to be made as a condition of the continued use or possession for the purpose of trade or business of property to which the taxpayer has not taken or is not taking title or in which he has no equity;

(2) Certain interest paid or accrued within the taxable year on indebtedness, but, in the case of a nonresident, the proportion of such interest which the amount of gross income from sources within the state of Alabama bears to the amount of gross income from all sources within and without the state of Alabama. Beginning with all tax years or periods beginning after December 31, 1987, the interest deductions allowed in each of such tax years or periods shall be limited to the amount allowable as an interest deduction for federal income tax purposes in the corresponding tax year or period pursuant to the provisions of 26 U.S.C. § 163.

(3) The following taxes paid or accrued within the taxable year:

a. Income taxes, Federal Insurance Contribution Act taxes, taxes on self-employment income and estate and gift taxes imposed by authority of the United States or any possession of the United States; provided, that the amount of such taxes apportioned by a nonresident taxpayer shall be determined by the ratio that the amount of adjusted gross income received from sources within the state of Alabama bears to the amount of adjusted gross income received from sources within and without the state of Alabama.

b. State and local, and foreign, occupational license taxes and contributions to state unemployment funds.

c. State and local, and foreign, real property taxes.

d. State and local personal property taxes.

e. The generation-skipping transfer (GST) tax imposed on income distributions by 26 U.S.C. § 2601.

f. The taxes described in paragraphs c, d, and e shall be deductible only to the extent that such taxes are deductible for federal income tax purposes under 26 U.S.C. § 164 (relating to taxes) and in the case of nonresidents, these taxes shall be apportioned to Alabama by the ratio that the amount of adjusted gross income received from sources within the state of Alabama bears to the amount of adjusted gross income received from sources within and without the state of Alabama.

g. In addition, there shall be allowed as a deduction, state and local, and foreign taxes, except income taxes, and taxes imposed by authority of the United States or any possession of the United States, which are paid or accrued within the taxable year in carrying on a trade or business or an activity described in 26 U.S.C. § 212 (relating to expenses for the production of income).

h. Notwithstanding paragraph g, any tax described in any paragraph preceding paragraph g that is paid or accrued in connection with an acquisition or disposition of property shall be treated as part of the cost of the acquired property or, in the case of a disposition, as a reduction in the amount realized on the disposition of such property.

(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise if incurred in trade or business;

(5) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in any transaction entered into for profit, though not connected with the trade or business; but, in the case of a taxpayer other than a resident of the state, only as to such transactions within the state;

(6) Casualty and theft losses sustained during the taxable year of property not connected with the conduct of a trade or business or a transaction entered into for profit as determined in accordance with subsections (c) (3) and (h) of 26 U.S.C. § 165. In the case of a nonresident, the deduction shall be allowed only for the losses arising from property located within the state of Alabama and the limitations in 26 U.S.C. § 165 shall be applied with regard only to the taxpayer's Alabama adjusted gross income. No loss shall be allowed if at the time of filing the return, such loss has been claimed on a federal estate tax return;

(7) Losses from debts ascertained to be worthless and charged off during the taxable year of such ascertainment, if sustained in the conduct of the regular trade or business of the taxpayer during the period covered by an Alabama income tax law;

(8) A reasonable allowance for the exhaustion, wear and tear of property from which any income is derived including a reasonable allowance for obsolescence;

(9) In the case of mines, oil, and gas wells, other natural deposits and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar condition in each case based upon the cost, including the cost of development not otherwise deducted, such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the department of revenue; and, in the case of leasehold interests, the deduction allowed by this section shall be equitably proportioned between the lessor and the lessee;

(10) Charitable contributions to the extent allowed for federal income tax purposes under 26 U.S.C. § 170 (relating to charitable contributions and gifts). In the case of a nonresident individual, this deduction shall be limited to the amount determined by multiplying the amount described in the previous sentence by a fraction, the numerator of which is the taxpayer's adjusted gross income from all sources within the state of Alabama and the denominator is the taxpayer's adjusted gross income from all sources;

(11) In the case of a resident individual, the deduction allowed such individual for federal income tax purposes by 26 U.S.C. §219 (relating to retirement savings);

(12) The deduction allowed for federal income tax purposes by 26 U.S.C. §404 (relating to qualified pension, profit sharing, stock bonus, and annuity plans); provided, however, that contributions to such plans on behalf of individuals who are employees within the meaning of 26 U.S.C. § 401(c)(1) (relating to self-employed individuals) shall be deductible only if such individuals are residents;

(13) For each individual income taxpayer, medical and dental expenses, including amounts paid for medicine and drugs and amounts paid for accident and health insurance, as determined in accordance with 26 U.S.C. § 213; provided, however, that the limitation of the deduction to the excess of such expenses over 7.5 percent of adjusted gross income as provided in said 26 U.S.C. § 213 shall instead be limited to the excess of such expenses over 4.0 percent of adjusted gross income;

(14) For each individual income taxpayer, the deduction determined in accordance with 26 U.S.C. § 212 for all the ordinary and necessary expenses paid or incurred during the taxable year for the production or collection of income, or for the management, conservation, or maintenance of property held for the production of income, or in connection with the determination, collection, or refund of any tax;

(15) Any expense not exceeding \$1,000.00 actually incurred during the taxable year in constructing on his property a family radioactive fallout shelter, as approved and certified by the state department of civil defense, and any amount not exceeding \$1,000.00 which he contributed during the taxable year toward the construction of a community radioactive fallout shelter; and

(16) a. An amount equal to the aggregate of the net operating loss carryovers to the taxable year, plus the net operating loss carrybacks to such year. For purposes of this subdivision, the term "net operating loss deduction" means the deduction allowed by this paragraph.

b. A net operating loss for any taxable year ending after December 31, 1976, and before January 1, 1985, shall be a net operating loss carryover to each of the five taxable years following the taxable year of such loss. A net operating loss for any taxable year ending after December 31, 1984, shall be a net operating loss carryover to each of the 15 years following the taxable year of such loss.

c. The entire amount of the net operating loss for any taxable year (hereinafter referred to as the "loss year") shall be carried to the earliest of the taxable years to which, by reason of paragraph b, such loss may be carried. The portion of such loss which shall be carried to each of the other taxable years shall be the excess, if any, of the amount of such loss over the sum of the taxable income for each of the prior taxable years to which such loss may be carried. For purposes of the preceding sentence, the taxable income for any such prior taxable year shall be computed:

1. With the modifications specified in paragraph f other than subparagraphs 1 and 3 thereof; and

2. By determining the amount of the net operating loss deduction without regard to the net operating loss for the loss year or for any taxable year thereafter, and the taxable income so computed shall not be considered to be less than zero.

d. Any taxpayer entitled to a carryback period under paragraph b may elect to relinquish the entire carryback period. Such election shall be made in such a manner as may be prescribed by the department of revenue, and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss for which the election is to be in effect. Such election, once made for any taxable year, shall be irrevocable for that taxable year.

e. For purposes of this subdivision, the term "net operating loss" means the excess of the deductions allowed by this chapter over the gross income. Such excess shall be computed with the modifications specified in paragraph f of this subdivision.

f. The modifications referred to in this subdivision are as follows:

1. No net operating loss deduction shall be allowed.

2. No deduction shall be allowed under sections 40-18-19(a)(8) and (9), and 40-18-19(b) (relating to personal exemptions and credit for dependents). No deductions in lieu of any such deduction shall be allowed.

3. The deductions allowable by this chapter which are not attributable to a taxpayer's trade or business, including the federal individual income tax deduction, shall be allowed only to the extent of the amount of the gross income not derived from such trade or business. For purposes of the preceding sentence:

(i) Any gain or loss from the sale or other disposition of property used in the trade or business of a character which is subject to the allowance for depreciation provided in subdivisions (8) and (9) of subsection (a), or real property used in the trade or business shall be treated as attributable to the trade or business;

(ii) The modifications specified in subparagraphs 1 and 3 shall be taken into account;

(iii) Any deduction allowable under section 40-18-15(a)(6) (relating to casualty losses) shall not be taken into account; and

(iv) Any deduction allowed under section 40-18-15(a)(12) to the extent attributable to contributions which are made on behalf of an individual who is an employee within the meaning of said 26 U.S.C. § 401(c)(1) (relating to self-employed individuals) shall not be treated as attributable to the trade or business of such individual.

4. The optional standard deduction allowed under section 40-18-15(b)(1) shall be treated as a deduction allowed by this chapter. For purposes of paragraph e:

(i) The deduction provided by the preceding sentence shall be in lieu of any itemized deductions of the taxpayer, and

(ii) Such sentence shall not apply to an individual who elects to itemize deductions.

g. In determining the amount of any net operating loss carryback or carryover to any taxable year, the necessary computations involving any other taxable year shall be made under the law applicable to such other taxable year.

(17) There shall be allowed resident taxpayers a deduction from the taxpayer's adjusted gross income for state income tax purposes of the total cost of installation for conversion from gas or electricity to wood as the primary energy source for heating their individual domestic homes for the taxable year during which such conversion was completed.

(18) For individual resident taxpayers, alimony and separate maintenance payments, the amount deductible to be the same as the amount deductible for federal income tax purposes under 26 U.S.C. § 215 (relating to alimony payments).

(19) Moving expenses paid or incurred during the taxable year to the same extent that such expenses are deductible, except as provided herein, for federal income tax purposes under 26 U.S.C. § 217 (relating to moving expenses). The term "new principal place of work," as such term is made relevant hereto by the federal statute, means and includes only places of work located within the state of Alabama, and the deduction for moving expenses provided for herein shall be allowable only in the event that such "new principal place of work" is located within the state of Alabama.

(20) Any expense not exceeding \$35,000 actually incurred during the taxable year in removing from his property any architectural or transportation barriers to handicapped persons with nonambulatory and semiambulatory disabilities; provided, however, that any improvements resulting from such expense shall not be eligible to be capitalized for depreciation.

(21) Notwithstanding subdivision (1), beginning with all tax years or periods beginning after December 31, 1987, the deduction for expenses of travel, entertainment, and meals shall be determined in accordance with 26 U.S.C. § 274.

(22) The deduction allowed by 26 U.S.C. § 179 (relating to expensing certain depreciable property), provided that no deduction shall be allowed under subdivision (8) for any amount allowed as a deduction under this subdivision.

(23) The deduction allowed by 26 U.S.C. § 195 (relating to amortization of start-up expenditures), but in the case of a nonresident, only if the principal place of business of the business investigated, created, or acquired is located in the state of Alabama.

(24) The deduction allowed by subdivision (1), to the extent that it consists of unreimbursed employee business expenses, and the deduction allowed by subdivision (14), shall be allowed only to the extent that the aggregate of such deductions exceeds 2 percent of adjusted gross income.

(25) For resident individual taxpayers, the reasonable medical and legal expenses paid or incurred by the taxpayer in connection with the adoption of a minor. For purposes of this subdivision, "medical expenses" shall include any medical and hospital expenses of the adoptee and the adoptee's biological mother which are incident to the adoptee's birth and subsequent medical care and which, in the case of the adoptee, are paid or incurred before the petition is granted.

(26) The amount of any aid or assistance, whether in the form of property, services or monies, provided to the State Industrial Development Authority pursuant to section 41-10-44.7(d) in order to induce an Approved Company to undertake a Major Project within the State.

(b) (1) In lieu of the deductions allowable to individual taxpayers, as provided in subdivision (1) to the extent of unreimbursed employee business expenses, and as provided in subdivisions (2), (3), (5), (6), (10), (13), (14), (17), and (19) of subsection (a) of this section, for the taxable years beginning on and after January 1, 1982, at the election of the taxpayer required to use the rate schedule in subdivision (1) of section 40-18-5, an optional standard deduction may be taken not to exceed 20 percent of the adjusted gross income or \$2,000.00, whichever is the lesser, and at the election of the taxpayer required to use the rate schedule in subdivision (2) of section 40-18-5, an optional standard deduction may be taken not to exceed 20 percent of the adjusted gross income or \$4,000.00, whichever is the lesser and, in addition to said deduction, a deduction for the amount of federal income tax paid or accrued within the taxable year; provided, that in the case of a nonresident taxpayer the deduction for the optional standard deduction shall be an amount equal to the optional standard deduction that would be allowable if the taxpayer were a resident taxpayer, multiplied by the ratio that the amount of adjusted gross income received from sources within the state of Alabama bears to the amount of adjusted gross income received from sources within and without the state of Alabama; and the amount of federal income tax so deductible to Alabama shall be determined by the ratio that the amount of adjusted gross income received from sources within the state of Alabama bears to the amount of adjusted gross income received from sources within and without the state of Alabama.

(2) If separate returns are filed by husband and wife and one spouse elects to claim the deduction allowed herein, the election to claim such deduction will be denied unless the other spouse also elects to claim the deduction allowed herein.

(c) The term "adjusted gross income," as used in this section, shall mean the gross income as defined by section 40-18-14, less:

(1) The deductions allowed in this section which are attributable to a trade or business carried on by the taxpayer if such trade or business does not consist of the performance of services by the taxpayer as an employee;

(2) Travel expenses while away from home in the pursuit of a trade or business if such trade or business does not consist of the performance of services by the taxpayer as an employee;

(3) The deductions allowed by this section which consist of expenses paid or incurred by the taxpayer in connection with the performance by him of services as an employee, to the extent reimbursed by his employer;

(4) The deductions, other than those provided in subdivisions (1), (5) and (6) of subsection (a) allowed by this section and which are attributable to property held for the production of rents or royalties;

(5) The deductions, other than those provided in subdivision (1) of this subsection, for depreciation and depletion, allowed by subdivisions (8) and (9) of subsection (a) of this section to a life tenant of property or to an income beneficiary of property held in trust;

(6) The deduction, other than those provided in subdivision (1) of this subsection, allowed by section 40-18-8 as losses from the sale or exchange of property; and

(7) The deduction allowed by subdivision (25) of subsection (a) of this section (relating to adoption expenses).

(d) In the case of a nonresident individual, the deductions allowed in subdivisions (1), (4), (5), (7), (8), (9) and (17) of subsection (a) of this section shall be allowed only if and to the extent that they are connected with income arising from a source within the state of Alabama, and a proper apportionment or allocation of the deductions with respect to sources of income within and without the state of Alabama shall be determined under rules and regulations prescribed by the department of revenue."

SECTION 3. Amendment of Section 40-18-21 of the Code of Alabama 1975. Section 40-18-21 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-18-21. Credits for taxes paid on income from sources without the state and for job development fees.

(a)(1) For the purpose of ascertaining the income tax due under the provisions of this chapter by residents of Alabama whose gross income, as defined herein, is derived from sources both within and without the state of Alabama, there shall be allowed a credit against the amount of tax found to be due by such resident, on account of income derived from without the state of Alabama, the amount of income tax actually paid by such resident to any state or territory on account of business transacted or property held without the state of Alabama.

(b) (2) In case the amount of tax actually paid by a resident of Alabama to another state or territory is in excess of the amount that would be due on the same income computed on the income tax rate in Alabama, then only such amount as would be due in this state on such taxable income shall be allowed as a credit.

(c) (3) If the amount of income tax actually paid by a resident of this state to any other state or territory on account of business transacted or property held, is less than the amount of tax that would be due, as computed on Alabama income tax rates, then the income tax levied herein shall be computed on the entire taxable income from sources from both within and without the state as defined herein, and the tax shall be paid less the credit allowed in this section for tax paid on income derived from without the state.

(d) (4) Before a resident of Alabama may claim the credit allowed under this subsection (a), he shall file with his tax return a certificate showing amount of gross and net income derived from sources without this state together with the amount of tax paid or to be paid on such income.

(e) (5) The words "residents of Alabama," as used in this subsection (a), shall include corporations organized and existing under the laws of the state of Alabama.

(b) Any taxpayer described in section 40-18-2(1) or section 40-18-2(6), who, during any year, has been assessed a Job Development Fee as described in section 41-10-44.7(b), shall be allowed a credit against the amount of income tax due under the provisions of this chapter in such year in an amount equal to the Job Development Fee withheld from the taxpayer's wages during the year."

SECTION 4. Amendment of Section 40-18-38 of the Code of Alabama 1975. Section 40-18-38 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-18-38. Additional deductions allowed for corporations; credits.

(a) For the purpose only of the tax imposed by section 40-18-31, there shall be allowed the following deductions:

(1) The amount received as interest upon obligations of the United States and bonds issued by the war finance corporation, which is included in gross income under section 40-18-34; and

(2) Amounts received as dividends from national banks or national banking associations or from corporations engaged in the business of banking and of conducting a financial business employing moneyed capital coming into competition with the business of national banks only during and for the periods during which such national banks, corporations, individuals and partnerships are subject to an excise tax imposed by this state or with respect to such income and dividends paid by any such corporation out of income subject to such excise tax.

(3) The amount of any aid or assistance, whether in the form of property, services or monies, provided to the State Industrial Development Authority pursuant to section 41-10-44.7(d) in order to induce an Approved Company to undertake a Major Project within the State.

(b) For the purpose only of the tax imposed by section 40-18-31, there shall be allowed the following credits:

(1) the amount provided to an Approved Company pursuant to section 41-10-44.7(a)(1), subject however, to the limitations contained in section 41-10-44.7(c); and

(2) the amount provided in section 41-10-44.8 to an Approved Company for a payment by such Company into a Tax Increment Fund."

SECTION 5. Amendment of Section 40-18-71 of the Code of Alabama of 1975. Section 40-18-71 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-18-71. Withholding tax.

(a) Every employer, as defined under the laws of the United States in effect July 1, 1982, or as subsequently may be defined, with respect to income tax collected at source, making payment of wages as defined under such laws to employees, shall deduct and withhold upon such wages, reduced by the optional standard deduction provided in subsection (b) of section 40-18-15 and the federal income tax withheld, a tax equal to two percent of the first \$500.00 or less, four percent of the next \$2,500.00 or less, five percent of the excess over \$3,000.00, by which the amount of such wages paid or to be paid in the calendar year by such employer to such employee, exceeds the amount of the exemptions granted to such employee under section 40-18-19 as claimed on a certificate to be filed with the employer in such form and containing such information and detail as may be prescribed by the commissioner, pursuant to the provisions of section 40-18-73; provided, however, that in determining the amount to be deducted and withheld under this subsection (a), an employer shall allow as a credit against such amount the Job Development Fee described in section 41-10-44.7(b).

(b) At the election of the employer with respect to such employee, the employer may deduct and withhold upon the wages paid to such employee a tax determined on the basis of tables to be prepared and furnished by the commissioner, which tax shall be substantially equivalent to the tax provided in subsection (a) of this section and which shall be in lieu of the tax required in such subsection.

(c) In determining the amount to be deducted and withheld under this section, the wages may, at the election of the employer, be computed to the nearest dollar.

(d) The department may, by regulations, authorize employers:

(1) To estimate the wages which will be paid to any employee in any quarter of the calendar year;

(2) To determine the amount to be deducted and withheld upon each payment of wages to such employee during such quarter as if the appropriate average of the wages so estimated constituted the actual wages paid; and

(3) To deduct and withhold upon any payment of wages to such employee during such quarter such amount as may be necessary to adjust the amount actually deducted and withheld upon the wages of such employee during such quarter to the amount that would be required to be deducted and withheld during such quarter if the payroll period of the employee was quarterly.

(e) The department is authorized to provide by regulation, under such conditions and to such extent as it deems proper, for withholding in addition to that otherwise required under this section and in cases in which the employer and the employee agree to such additional withholding. Such additional withholding shall, for all purposes, be considered the tax required to be deducted and withheld under this chapter."

SECTION 6. Amendment of Section 40-18-82 of the Code of Alabama 1975. Section 40-18-82 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-18-82. Declaration of estimated tax.

(a) Every individual and corporation shall, at the time prescribed in subsection (c) of this section, make a declaration of his estimated tax for the taxable year if his net income from sources other than wages, in the case of a single person or married persons filing separate returns, can reasonably be expected to exceed \$1,500.00 for the taxable year; and in the case of married persons living with husband or wife and filing a joint return, ~~whose~~ if net income can be reasonably expected to exceed \$3,000.00; and in the case of corporations, ~~whose~~ if Alabama income tax liability can reasonably be expected to exceed \$5,000.00.

(b) In the declaration required under subsection (a), the taxpayer shall state:

(1) The amount which he estimates as the amount of tax under section 40-18-5 for the taxable year; or in the case of a corporation the amount of tax estimated as the amount of tax due under section 40-18-31;

(2) The amount which he an individual taxpayer estimates as the credits for the taxable year under section 40-18-21(b) or section 40-18-71, or the amount which a corporate taxpayer estimates as the credits for the taxable year under section 40-18-38(b);

(3) The excess of the amount estimated under subdivision (1) over the amount estimated under subdivision (2), which excess, for the purposes of this chapter, shall be considered the estimated tax for the taxable year; and

(4) Such other information as may be prescribed in regulations promulgated by the department.

(c) The declaration required under subsection (a) of this section shall be filed with the department on or before April 15 of the taxable year; except, that if the requirements of subsection (a) of this section are first met:

(1) After April 1 and before June 2 of the taxable year, the declaration shall be filed on or before June 15 of the taxable year;

(2) After June 1 and before September 2 of the taxable year, the declaration shall be filed on or before September 15 of the taxable year; or

(3) After September 1 of the taxable year, the declaration shall be filed on or before January 15 of the succeeding taxable year; or in the case of corporations on or before December 15 of the taxable year.

(d) A taxpayer may make amendments of a declaration filed during the taxable year under subsection (c) of this section, under regulations prescribed by the department.

(e) If, on or before January 15 of the succeeding taxable year, an individual taxpayer files a return for the taxable year for which the declaration is required and pays in full the amount computed on the return as payable then, under regulations prescribed by the department:

(1) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before such January 15, such return shall, for the purposes of this section, be considered as such declaration; and

(2) If the tax shown on the return, reduced by the credits under section 40-18-78, is greater than the estimated tax shown in a declaration previously made or, in the last amendment thereof, such return shall, for the purposes of this section, be considered as the amendment of the declaration permitted by subsection (d) of this section to be filed on or before January 15.

(f) The department shall promulgate regulations governing reasonable extensions of time for filing declarations and paying the estimated tax. Except in the case of taxpayers who are abroad, no such extension shall be for more than six months.

(g) If the taxpayer is unable to make his own declaration, the declaration shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer."

SECTION 7. Severability Clause. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 8. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; provided, however, that notwithstanding the foregoing, this Act shall not become effective until such time as that certain Act which was introduced as House Bill 27 in the 1993 First Special Session of the Legislature becomes law.

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Harper, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 83, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 92; Nays 4.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams and Zoghby.

Nay:

Representatives Cagle, Dolbare, Holley and McDowell.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 29. To make a supplemental appropriation to the Chattahoochee Valley Community College from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1994.

Also:

S. 63. To amend Section 12-17-142, Code of Alabama 1975, to provide for surviving spouse benefits, paid from the clerks' and registers' supernumerary fund, for certain supernumerary clerks and registers.

Also:

S. 90. To amend and reenact Act No. 93-479, H. 335 of the 1993 Regular Session, which act provides a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems, for the funding of the increase, and that no person shall be entitled to receive the increase in benefits granted in the act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits, to provide for the adjustment of the survivor allowance of those eligible retirees that selected a monthly survivor allowance payable at death to designated beneficiaries.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 83. To amend Sections 40-16-1, 40-18-15, 40-18-21, 40-18-38, 40-18-71 and 40-18-82 of the Code of Alabama 1975 in order to reflect therein the allowance of personal and corporate income and financial institution excise tax deductions for certain contributions to the State Industrial Development Authority to help induce industrial and research facilities to locate in the State; to reflect therein the allowance of certain corporate income tax credits to induce industrial and research facilities to locate in the State; and to reflect therein the allowance of certain personal income tax credits to offset the impact upon employees of industrial and research facilities of certain other incentives provided to induce such facilities to locate in the State.

And said Bill, HB 83, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 27. To make legislative findings with respect to the need for additional powers of the State Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and research projects; to establish criteria for the selection of enterprises and projects eligible for financing by the Authority; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to grant certain incentives to companies proposing to construct projects in the State, including credits against the corporate

income tax and the collection of certain fees from employees; to grant to employees from whom such fees have been collected a credit against State income taxes; to permit the Authority to establish tax increment funds out of which Project Obligations may be made payable and to provide for payments into such funds; to permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to require the Authority to report to the Legislature annually; to confirm that the Authority is exempt from taxation; and to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm or corporation.

And said Bill, HB 27, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 34. To amend Act 93-652, S. 16, 1993 Regular Session, further defining eligibility and making an appropriation.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 27. To make legislative findings with respect to the need for additional powers of the State Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and research projects; to establish criteria for the selection of enterprises and projects eligible for financing by the Authority; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to grant certain incentives to companies proposing to construct projects in the State, including credits against the corporate income tax and the collection of certain fees from employees; to grant to employees from whom such fees have been collected a credit against State income taxes; to permit the Authority to establish tax increment funds out of which Project Obligations may be made payable and to provide for payments into such funds; to permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to require the Authority to report to the Legislature annually; to confirm that the Authority is exempt from taxation; and to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm or corporation.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 92. Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2, 17-22A-3, 17-22A-4, 17-22A-5, 17-22A-7, as amended by Act 93-762, S. 27, 1993 Regular Session, 17-22A-8, 17-22A-9, 17-22A-11, and 17-22A-21,

Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hammett, the House concurred in and adopted the Senate amendment to the bill, H. 92, said Senate amendment being as follows:

Amend House Bill 92 on page 19 by adding after line 22 the following: "(g) Any person who owns, directly or indirectly, or holds five percent or more of the combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of a corporation, or the capital interest, or the profits interest of a partnership, or the beneficial interest of a trust, estate, or other unincorporated entity of a gambling interest that is currently regulated by a racing commission or any future racing commission, is prohibited from making any contribution to any candidate, principal campaign committee of any candidate, or political committee which makes a contribution to any candidate, if the candidate is a candidate for an office that regulates the gambling industry. For the purposes of this act, those persons who are considered to regulate the gambling industry or any existing racing commission or commissioners created under Alabama law, or any future commissions or commissioners, including any public official now serving or who may serve on these racing commissions whether or not that public official appoints a designee."

On page 19, delete lines 16 to 22 in their entirety and insert in lieu thereof: candidate and the principal campaign committee of the candidate may use the funds for any other office the candidate qualified for in the same election year.

On page 20, line 18, after the period insert the following language: A person who fails to fulfill any disclosure requirements of this subsection or any other disclosure as required by law, rule, or regulation shall not be eligible to qualify for any state or local office until these disclosure requirements are satisfied.

On page 27, line 1, insert the following Section 2 and renumber the subsequent section accordingly:

Section 2. A person who fails to fulfill any disclosure requirements of this chapter or any other disclosure as required by law, rule, or regulation shall not be eligible to qualify for any state or local office until these disclosure requirements are satisfied.

On page 19, line 10, after the period insert the following language:
Notwithstanding the foregoing, if a candidate has a campaign debt existing from an earlier campaign, the candidate may continue to solicit and accept campaign contributions until such time the existing debt has been retired.

On page 8, line 26, insert the following language:

8. Promotional items generally distributed to the general public or to public officers and food and beverages produced in Alabama.

On page 11, lines 12 and 13, after the word "individual" add the following:
"physical and/or tangible" and omitting the words "favor" and "service"

Yeas 84; Nays 12.

Yea:

Mr. Speaker, Anderson, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (T), Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Barnes, Beasley, Black (M), Dolbare, Freeman, McDowell, McKee, Mikell, Parker (P), Payne, Smith (C) and Turnham.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 83. To amend Sections 40-16-1, 40-18-15, 40-18-21, 40-18-38, 40-18-71 and 40-18-82 of the Code of Alabama 1975 in order to reflect therein the allowance of personal and corporate income and financial institution excise tax deductions for certain contributions to the State Industrial Development Authority to help induce industrial and research facilities to locate in the State; to reflect therein the allowance of certain corporate income tax credits to induce industrial and research facilities to locate in the State; and to reflect therein the allowance of certain personal income tax credits to offset the impact upon employees of industrial and research facilities of certain other incentives provided to induce such facilities to locate in the State.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 32. Relating to the State Ethics Law; defining certain terms; conforming certain provisions to those terms; making technical nonsubstantive changes; increasing the membership of the commission and providing for the method of filling vacancies; providing for the promulgation of rules and regulations; requiring the recording of proceedings and the preservation of the records; specifying the procedure for the issuance of advisory opinions; requiring that investigative matters remain confidential and providing penalties for violations; providing a procedure for processing a complaint, and for offering the respondent a right to participate; providing a procedure for conducting an investigation and a hearing; providing a procedure for the subpoena of evidence; revising the statement of economic interests; specifying the procedure to be used to remove a candidate from the ballot; requiring lobbyists and principals to file additional information; prohibiting public officials and public employees from soliciting a thing of value or certain costs and prohibiting a lobbyist from satisfying such a solicitation; to

prevent certain former public officials and public employees from lobbying and contracting with public agencies for a certain period of time after their public service; to provide certain employment protection and civil remedies to persons filing a complaint; creating the crime of wanton false reporting of a complaint and false reporting of a complaint and prescribing criminal penalties; permitting the recovery of attorney fees in a civil action; and amending Sections 36-25-1 to 36-25-30, inclusive, Code of Alabama 1975.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL 32

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning Senate Bill 32 have met, considered the matter, and agreed to the following attached bill.

Respectfully submitted,

GERALD DIAL
PAT LINDSEY

Conferees on the part of the Senate

SETH HAMMETT
TAYLOR HARPER

Conferees on the part of the House

**A BILL
TO BE ENTITLED
AN ACT**

Relating to the State Ethics Law; defining certain terms; conforming certain provisions to those terms; making technical nonsubstantive changes; increasing the membership of the commission and providing for the method of filling vacancies; providing for the promulgation of rules and regulations; requiring the recording of proceedings and the preservation of the records; requiring Legislators and lobbyists to attend certain educational classes; permitting the copying of certain documents; specifying the procedure for the issuance of advisory opinions; requiring that investigative matters remain confidential and providing penalties for violations; providing a procedure for processing a complaint, including a complaint filed by a complainant requesting anonymity, and for offering the respondent a right to participate; providing a procedure for conducting an investigation and a hearing; providing a procedure for the subpoena of evidence; prohibiting certain public officers and public employees from lobbying for a fee or from entering into a contract with their former office or agency for a certain time and specifying the

implementation date of this prohibition; revising the statement of economic interests; specifying the procedure to be used to remove a candidate from the ballot; requiring lobbyists and principals to file additional information; prohibiting public officials and public employees from soliciting a thing of value or certain costs and prohibiting a lobbyist from satisfying such a solicitation; providing certain employment protection and civil remedies to persons filing a complaint; creating the crime of knowingly making a false report of a complaint and prescribing criminal penalties; permitting the recovery of attorney fees in a civil action; specifying implementation and effective dates; and amending Sections 36-25-1 to 36-25-30, inclusive, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 36-25-1 and 36-25-2, Code of Alabama 1975, are amended to read as follows:

"§36-25-1.

"Whenever used in this chapter, the following words and terms shall have the following respective meanings ~~unless the context clearly indicates otherwise~~:

"(1) BUSINESS. Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, or and any other legal entity.

"(2) BUSINESS WITH WHICH HE THE PERSON IS ASSOCIATED. Any business of which the person or a member of his or her family is an officer, owner, partner, employee, or holder of more than 10 percent of the fair market value of such the business.

"(3) CANDIDATE FOR PUBLIC OFFICE. Any person who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, and any person who has been nominated for appointment to serve as a public official.

"(4) COMMISSION. The state ethics commission.

"(5) COMPLAINANT. The person or persons who allege a violation or violations of this chapter by filing a complaint against a respondent.

"(6) LOBBYING. The practice of promoting or opposing the introduction or enactment of legislation before the legislature ~~or the members of a legislative committee or the members thereof~~ committee, and shall also include the practice of promoting or opposing executive approval of legislation.

"(7) LOBBYIST. All persons who, for compensation, seek to encourage the passage, defeat, or modification of any legislation. ~~except~~ The term shall not include: (1) Members members of the Alabama legislature Legislature; or any (2) Any person who, on an isolated basis and without the intent to continue beyond a single day during a session of the Alabama legislature merely Legislature, contacts a member of the Legislature or appears before a committee or committees of the legislature in his an individual capacity to express support or opposition to any legislation; or on (3) Any person who contacts a member of the Legislature or appears before a committee or committees of the Legislature on behalf of himself or herself or another individual, a corporation, partnership, association, or other business entity, with which each the person is regularly associated as an employee, officer, member, or partner without receiving additional salary or compensation other than reasonable and ordinary travel expenses, to express support of or opposition to any legislation, and who shall so declare to a member, members or committee of the legislature with whom he discusses any proposed legislation. legislation, and who shall so declare to a member, members or committee of the legislature with whom he or she discusses any proposed legislation.

"(9) (8) PUBLIC EMPLOYEE. Any person employed at the state, county, or municipal level of government or their instrumentalities who is paid in whole or in part from state, county, or municipal funds.

"(10) (9) PUBLIC EMPLOYEE'S FAMILY. The employee's spouse and dependents.

"(11) (10) PUBLIC OFFICIAL. Any person elected to public office by the vote of the people at state, county, or municipal level of government or their instrumentalities and any person appointed to a position at the state, county, or municipal level of government or their instrumentalities. Public official includes any person who is in the position of one elected to a public office but has not yet taken the oath of office or assumed the official duties of that office, or both.

"(12) (11) PUBLIC OFFICIAL'S FAMILY. The official's spouse and dependents.

"(13) (12) REPORTING YEAR. The reporting official's or employee's fiscal tax year as it applies to his or her United States personal income tax ~~return(s)~~ return.

"(14) RESPONDENT. The person alleged to have violated this chapter and against whom an ethics complaint has been filed.

"(15) (14) STATEMENT OF ECONOMIC INTERESTS. A financial disclosure form which ~~must~~ shall be completed and filed with the ~~state ethics~~ commission prior to April 30 of each year covering the preceding calendar year by all elected public officials, and ~~these~~ appointed public officials and public employees who occupy positions paying ~~\$25,000.00~~ forty-five thousand dollars (\$45,000) or more annually, and all candidates for elected public office within five days of becoming a candidate for elected public office."

"(15) THING OF VALUE. Any individual physical and/or tangible gift, gratuity, special discount, unsecured loan (other than those made in the ordinary course of business), reward, or promise of future employment. A thing of value does not include fees, honorariums, or seasonal gifts, if the aggregate value of these items is less than two hundred fifty dollars (\$250) during any one calendar year. A thing of value shall not include expenses associated with social occasions afforded public officials and public employees, nor shall a thing of value include reasonable transportation and lodging and meal expenses for educational or informational purposes."

"§36-25-2.

"(a) The Legislature hereby finds and declares:

"(1) It is essential to the proper operation of democratic government that public officials be independent and impartial; ~~that governmental.~~

"(2) Governmental decisions and policy ~~should~~ be made in the proper channels of the governmental structure; ~~that public.~~

"(3) No public office ~~not~~ should be used for private financial gain other than the remuneration provided by law; ~~and that.~~

"(4) It is important that there be public confidence in the integrity of government.

"(5) The attainment of one or more of ~~these~~ the ends set forth in this subsection is impaired whenever there exists a conflict between the private interests of an ~~elected~~ a public official or a government public employee and his the duties ~~as such~~ of the public official or public employee.

"(6) The public interest, ~~therefore,~~ requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to the conduct of ~~elected~~ public officials and government public employees in situations where conflicts exist.

"(b) It is also essential to the proper operation of government that those best qualified be encouraged to serve the government. Accordingly, legal safeguards against conflicts of interest must be so designed as not unnecessarily or unreasonably to impede the recruitment and retention by the government of those men and women who are best qualified to serve it. An essential principle underlying the staffing of our government structure is that its ~~elected~~ public officials and public employees should not be denied the opportunity, available to all other citizens, to acquire and retain private economic and other interests, except where conflicts with the responsibility of ~~such elected~~ public officials and public employees to the public cannot be avoided.

"(c) ~~The legislature hereby~~ Legislature declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to individual members of the legislature, to committees of the ~~legislature~~ Legislature, and to officials of the executive branch, their opinions on legislation, on pending executive actions, and on current issues; ~~and that, to.~~ To preserve and maintain the integrity of the legislative and administrative processes, it is necessary that the identity, expenditures, and activities of certain persons who engage in efforts to persuade members of the legislature Legislature or members of the executive branch to take specific actions, either by direct communication to such these officials, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. ~~The provisions of this~~ This chapter shall be liberally construed to promote complete disclosure of all such information and ~~so as to assure that the public interest will be~~ is fully protected.

"(d) It is the policy and purpose of this chapter to implement these objectives of protecting the integrity of all governmental units of this state and of facilitating the recruitment and retention of qualified personnel by prescribing essential restrictions against conflicts of interest in state government without creating unnecessary barriers to the public service."

Section 2. Section 36-25-3, Code of Alabama 1975, is amended to read as follows:

"§36-25-3.

"(a) ~~There is hereby created a~~ The state ethics commission which shall be composed of ~~five~~ seven members, each of whom shall be a fair, equitable citizen of this state and of high moral character. The following persons shall not be appointed as members:

"(1) A public official holding an elected office.

"(2) A candidate for public office.

"(3) A lobbyist registered pursuant to Section 36-25-18.

"(4) A public employee.

No member of the commission shall be eligible for appointment to succeed himself or herself, whether the current term is a full term or the unexpired portion of the term of a prior member. The members of such commission shall be appointed by the following officers: the governor, the lieutenant governor and the speaker of the house of representatives and shall assume their duties upon confirmation by the senate. The members of the first commission shall be appointed for terms of office expiring one, two, three, four and five years, respectively, from September 1, 1975. Successors to the members of this first commission shall each be appointed for terms of five years and until their successors are appointed and have qualified. If at any time there should be a

vacancy on the commission, a successor member to serve for the unexpired term applicable to such vacancy shall be appointed by the governor. At least two members of the commission shall be black. At least one member of the commission shall be a woman. Each new member shall serve a seven-year term. The amendatory act of the 1993 First Special Session which amends this section shall not extend the term of any present member. Notwithstanding the foregoing, the initial term of the sixth member shall be for a period of six years. The initial appointment of the sixth member shall be made by the Governor. The initial appointment of the seventh member shall be made by the Lieutenant Governor, or in the absence of a Lieutenant Governor, the President Pro Tempore of the Senate. Vacancies shall be filled on a rotating basis in the following order:

"(1) The Governor.

"(2) The Lieutenant Governor, or in the absence of a Lieutenant Governor, the President Pro Tempore of the Senate.

"(3) The Speaker of the House.

Members shall be confirmed by the Senate prior to assuming their duties. Vacancies shall be filled for the remainder of the term by the original appointing authority. The commission shall elect one member to serve as chairman chair of the commission and one member to serve as vice-chairman vice-chair. The vice-chairman vice-chair shall act as chairman chair in the absence or disability of the chairman chair or in the event of a vacancy in that office. As soon as all the members of the board have been appointed, the governor shall call and provide for the holding of an organizational meeting of the commission.

"(b) A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission, and three four members thereof shall constitute a quorum. Unless otherwise provided in this chapter, the commission shall take action only upon majority vote of the commissioners appointed and confirmed.

"(c) The commission shall at the close of each fiscal year report to the legislature Legislature and the governor concerning Governor each of the following:

"(1) The the action it has taken;

"(2) The the names, salaries, and duties of all individuals in its employ, and the money it has

"(3) Money disbursed,; and shall make such further reports on the

"(4) Other relevant matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

"(5) Recommendation for desirable legislation.

"(d) Members of the commission shall, while serving on the business of the commission, ~~be entitled to receive compensation at the rate of \$50.00 fifty dollars (\$50) per day; and each such member shall be paid his travel expenses incurred in the performance of his duties as a member of the commission as other state employees and officials are paid when approved by the chairman thereof~~ chair.

"(e) All members, officers, agents, attorneys, and employees of the commission shall be subject to ~~the provisions of this chapter and also to the provisions of law prohibiting political activities by state employees.~~

"(f) The commission shall appoint an executive director and ~~such other necessary staff as is needed.~~ All such appointees shall serve at the pleasure of the commission. All such employees, except for the executive director, shall be employed subject to the ~~provisions of the state merit system law, and their compensation shall be prescribed pursuant to such law. The compensation of the executive director shall be fixed by the commission, but shall not exceed such amount as heretofore or as may hereafter be allowed by law for such officer, and shall be payable as are the salaries of other state employees.~~ The executive director shall be responsible for the administrative operations of the commission and shall perform ~~such any other duties as may be delegated or assigned to him from time to time by regulation or order of the commission. However, the Notwithstanding the foregoing, the~~ commission shall not delegate the making of regulations to the executive director. The commission may require the executive director to draft regulations, but no regulation shall be implemented by the executive director until adopted by ~~the commission members~~ the commission in accordance with Sections 41-22-1 to 41-22-27, inclusive, Code of Alabama 1975, the Alabama Administrative Procedure Act.

"(g) The commission is ~~hereby authorized, when in its discretion the ends of justice will be thereby served, to~~ may waive any rule or regulation presented relative to any disclosure statement; ~~provided, that such if the waiver is done in writing, stating states the reason why, and is made a part of the public record."~~

Section 3. Sections 36-25-4 to 36-25-30, inclusive, Code of Alabama 1975, are amended to read as follows:

"§36-25-4.

"(a) It shall be the duty of the commission: The commission shall perform each of the following duties:

"(1) ~~To prescribe~~ Prescribe forms for statements required to be filed by this chapter and ~~to furnish such those~~ forms to persons required to file ~~such the~~ statements.

"(2) ~~To prepare~~ Prepare and publish a manual setting forth recommended uniform methods of reporting for use by persons required to file statements required by this chapter.

"(3) ~~To accept~~ Accept and file any information voluntarily supplied that exceeds the requirements of this chapter.

"(4) ~~To develop~~ Develop a filing, coding, and cross-indexing system consonant with the purposes of this chapter.

"(5) ~~To make~~ Make reports and statements filed with it available at reasonable hours to responsible public inquiry subject to such regulations as the commission may prescribe including, but not limited to, regulations requiring identification by name, occupation, address, and telephone number of each such person examining information on file with the commission; ~~provided, that no copies of reports and statements be removed from the office of the state ethics commission.~~

"(6) ~~To preserve such~~ Preserve these reports and statements for a period of six years from date of receipt.

"(7) ~~To make~~ Make investigations with respect to statements filed under the provisions of this chapter, and with respect to alleged failures to file any statement required under the provisions of this chapter and, upon complaint by any individual with respect to an alleged violation of any part of this chapter as provided in subdivision (13); ~~and, whenever~~ When, in its opinion, a thorough audit of any person or any business should be made in order to determine whether this chapter has been violated, the commission shall direct the examiner of public accounts to have such the audit made and a report thereof filed with the commission. The examiner of public accounts shall upon receipt of ~~such the~~ the directive immediately comply therewith.

"(8) ~~To report~~ Report suspected violations of law to the appropriate law-enforcement authorities.

"(9) ~~To issue upon request and publish advisory opinions on the requirements of this chapter, based on a real or hypothetical set of circumstances. The written opinion of the state ethics commission provided to anyone shall protect such person to whom it is directed from liability to either the state, county or municipal subdivision of the state because of any official action or actions performed as directed or advised in such opinion.~~ Issue upon request, and publish with all names and identifying features eliminated, advisory opinions regarding this chapter, based on a real or hypothetical set of circumstances. The commission shall issue an advisory opinion not later than the next regularly scheduled meeting of the commission after the receipt of the request for the opinion. If the request is received within 10 days prior to the next regularly scheduled meeting of the commission, the commission shall issue the advisory

opinion at the meeting following the next regularly scheduled meeting. Advisory opinions issued pursuant to this section shall be effective and deemed valid until expressly overruled or altered by the commission. This power of the commission is in addition to the power of the Attorney General to issue upon request, and to publish with all names and identifying features eliminated, formal advisory opinions regarding this chapter, based on a real or hypothetical set of circumstances. The written opinions of the commission or the Attorney General shall protect the person who requested the opinion and any other person reasonably relying on the opinion in a materially similar circumstance from liability to the state, county, or a municipal subdivision of the state for any official action or inaction taken in reliance on the opinion. The opinions of the commission shall be available for review and inspection by the public within five working days from the date the opinion is adopted by the commission.

"(10) Record, through the use of a tape recording device or in a transcribed form through the use of a court reporter, all meetings and proceedings of the commission. The commission shall preserve these records for six years.

"(10) To initiate (11) Initiate and continue programs for the purpose of educating candidates, officials, employees, and citizens of Alabama on matters of ethics in government service. The commission shall conduct or approve the conducting of mandatory continuing educational classes in the field of ethics in government. The commission shall prescribe the areas that shall be taught at these classes and the locations at which the classes shall be held. Each legislator and each lobbyist registered pursuant to Section 36-25-18 shall attend at least eight hours of these classes during the period of each Organizational Session of the Legislature.

"(11) To (12) In accordance with Sections 41-22-1 to 41-22-27, inclusive, Code of Alabama 1975, the Alabama Administrative Procedure Act, prescribe, publish, and enforce rules and regulations to carry out the provisions of this chapter. No such rules and regulations, however, shall be adopted until notice thereof is given by publication at least 30 days prior to the date set for adoption thereof and an opportunity afforded to the public to appear and contest such rules and regulations. The commission is authorized only to make rules and regulations on the subject matter specifically mentioned in this chapter.

"(12) After the commission has been organized pursuant to this chapter and has prescribed the rules and regulations and adopted and promulgated such rules and regulations, it shall give notice for 60 days prior thereto of the day on which such rules and regulations shall become effective throughout this state and other provisions of this chapter shall be thereby implemented.

"(13) No member nor employees of said commission shall make any public statement or give out any information concerning any complaint against any individual until the investigation of said complaint is completed and the commission has taken final action as to the disposition of said complaint. Any member or employee of said commission who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction be sentenced to the county jail for one year or be fined up to \$1,000.00, or both.

"(14) (13) Perform investigatory functions within its authority. The commission shall not take any investigatory action on a telephonic or written unsigned complaint, against a public official so long as the complainant remains anonymous. Investigatory action on a complaint from an identifiable source complainant shall not be initiated until if the true identity of the source complainant has been ascertained and written verification of such the ascertainment is in the commission's files. The complaint shall set forth in detail the specific charges against a respondent, and the factual allegations which support those specific charges. The commission shall dismiss a complaint containing allegations against more than one respondent. A complainant may file multiple complaints.

"A complainant filing a complaint with the commission may request anonymity and may request the commission replace his or her name with the word anonymous if the following requirements are satisfied:

"1. The commission has verified the true identity of the complainant and this written verification is maintained in the files of the commission.

"2. The complaint sets forth in detail the specific charges against the respondent, and the factual allegations which support the specific charges. If such a request for anonymity is made, the commission shall assign a code number to the complaint and remove the name of and any references to the complainant from the complaint. The name of the complainant and the corresponding code number shall be sealed and kept in a secure location. Except as required by this section, only the commission shall know the name of the complainant. Any person, who without statutory authority willfully and intentionally divulges the name of a complainant who requests anonymity, is guilty of a Class A misdemeanor.

The commission shall provide to a respondent written notice that a complaint has been filed against him or her along with a copy of the complaint and any and all information provided by the complainant, other than the name of a complainant requesting anonymity, within 72 hours or three working days after receiving the complaint.

"In all matters that come before the commission concerning a complaint on an individual, the laws of due process shall be strictly adhered to.

"(14) Make a written determination whether there is probable cause to proceed with an investigation based upon the charges, factual allegations, and supporting evidence provided in a complaint, including a complaint received from a complainant requesting anonymity. A written determination that there is probable cause to proceed with an investigation of a complaint received from a complainant requesting anonymity shall require a unanimous vote of all nominated and confirmed members of the commission. This written determination shall be made within 30 days from the date a complaint is filed pursuant to this chapter, unless the commission makes a written determination that there is a compelling

need for additional time, in which event the 30-day period may be extended for an additional 30 days. The factors to be considered by the commission in reaching a determination of probable cause shall include each of the following:

"a. Whether the complainant has sufficiently alleged a violation of this chapter.

"b. Whether the complainant has reasonable cause to suspect a violation.

"c. Whether advisory opinions of the commission or the Attorney General or prior formal or informal opinion letters from the commission support the charge that the respondent has violated this chapter.

"(15) Dismiss a complaint, if within 30 days after the complaint is filed, or within 30 days after an extension is granted, the commission does not make a written determination that probable cause exists to proceed with an investigation. At the time a complaint is dismissed, written notice shall be delivered to the respondent by certified mail specifying the details of the complaint, the name of the complainant, unless the complainant has requested anonymity, and verification that the complaint has been dismissed. At the time a complaint is dismissed, if the commission determines that the complainant, including a complainant requesting anonymity, may have violated the criminal prohibitions provided in Section 36-25-25, the commission shall refer the matter and the name of the complainant, including the name of a complainant requesting anonymity, to the appropriate district attorney or to the Attorney General.

"(16) Commence an investigation upon a written determination of probable cause. At the time a written determination of probable cause is made by the commission, the commission shall immediately notify the respondent by certified mail of the specific charges in the complaint and the name of the complainant, unless the complainant has requested anonymity. The investigation shall conclude within 60 days of the date of the written determination. If the commission determines there is a compelling need for additional time, the commission may by vote extend the period of investigation an additional 60 days.

"(17) If an investigation is commenced, ensure the respondent charged in the complaint has a right to participate in the proceedings, either directly or through his or her representative or both. The respondent may examine and make copies of all evidence in the possession of the commission relating to the charges. The same discovery techniques that are available to the commission shall be equally available to the respondent, including the right to request the commission to request the subpoena of witnesses or materials and the right to conduct depositions. The commission shall not require the respondent to be a witness against himself or herself.

"(18) Request the subpoena of records or the testimony of witnesses if the commission certifies a compelling need.

"a. Upon making this certification, the commission may request the district attorney of the county in which the respondent resides to issue subpoenas to obtain the records or testimony. Within two working days of the date of the request, the commission shall notify the respondent by certified mail of the request for the subpoena. Prior to the issuance of any subpoena, the district attorney shall certify in writing each of the following:

"1. The investigation is warranted.

"2. There is probable cause to believe this chapter has been violated.

"3. The issuance of the subpoena is necessary for the completion of the investigation.

"This certification shall be filed with the commission.

"b. If the district attorney refuses to issue a subpoena, the commission may request the Attorney General to issue the subpoena. Within two working days of the date of the request for the subpoena, the commission shall notify the respondent of the request for the subpoena. Prior to the issuance of a subpoena, the Attorney General shall certify in writing each of the following:

"1. The investigation is warranted.

"2. There is probable cause to believe this chapter has been violated.

"3. The issuance of the subpoena is necessary for the completion of the investigation.

"This certification shall be filed with the commission.

"c. If a subpoena is issued pursuant to this subdivision, the time for completion of the investigation by the commission shall be stayed from the date of the issuance of the subpoena until the date the records or testimony sought have been obtained or delivered to the commission or its staff.

"(19) Review and permit the executive director and any staff, employee, or any other person engaged by the commission and under the direction and supervision of the executive director to review the testimony and records obtained under this section. The prohibitions relating to non-disclosure and secrecy of testimony and records contained in subsection (b) of this section shall strictly apply to the commission, executive director, staff, employee, or any other person engaged by the commission. Nothing contained in this section shall be deemed to prohibit the commission and the executive director, or any staff, employee, or any other person engaged by the commission from meeting with, discussing, or disclosing information gathered during the investigation with the respondent or the representative of the respondent, or both.

"(20) Conduct a hearing with the respondent or the representative of the respondent, or both. The hearing shall be conducted at the conclusion of the investigation. The commission shall give the respondent written notice by certified mail of the date of the hearing at least 14 days prior to the hearing. The hearing shall be closed and the respondent or representative of the respondent shall have a sufficient opportunity to respond to the complaint and the preliminary findings of the investigation. At the conclusion of the hearing, the commission shall vote whether further action is warranted. If the investigation is based on a complaint filed by a complainant requesting anonymity, a unanimous vote of all nominated and confirmed members of the commission shall be required to refer the matter. If the commission votes that further action is warranted, the commission shall refer the matter to the district attorney of the county in which the respondent resides. If the district attorney fails to take appropriate action within a reasonable time, the commission may refer the matter to the Attorney General. At that time, a district attorney or the Attorney General may obtain the name of a complainant who requested anonymity by subpoena.

"(21) Strictly adhere to the requirements of due process in all matters and proceedings before the commission.

"(b)(1) No member of the commission, the executive director, staff, employee, or other person engaged by the commission, a district attorney or the staff of a district attorney, the Attorney General or the staff of the Attorney General, or any other person shall willfully at any time directly or indirectly, conditionally or unconditionally, by any means whatever, reveal, disclose or divulge or attempt or endeavor to reveal, disclose, or divulge or cause to be revealed, disclosed, or divulged, any knowledge or information pertaining to any questions, considerations, debates, deliberations, opinions, or votes on any case, investigation, complaint, evidence, or other matter taken within or occurring before the commission. No person shall, at any time, directly or indirectly, conditionally or unconditionally by any means whatever, corruptly or with intent to influence such a person or by threat of harm to the person or the property of the person, or by force applied to the person or the property, or by threatening letter or communication, or by offer of reward, remuneration, gift, benefit, or thing of value of whatever nature or kind, obtain or endeavor to obtain, any information pertaining to, or any knowledge of any questions, considerations, debates, deliberations, opinions, or votes on any complaint, investigation, case, evidence, or other matter taken or transpiring within or before the commission.

"(2) No person shall willfully by any means whatever, directly or indirectly, conditionally or unconditionally, obstruct, impede, prevent, or attempt or endeavor to obstruct, impede, or prevent any person summoned, subpoenaed, or called to testify before the commission or who may be summoned, subpoenaed, or called before the commission from attending or appearing. No person shall, by any means whatever, directly or indirectly, conditionally, or unconditionally induce, coerce, or attempt or endeavor to induce or coerce any person to give any false testimony or withhold any true testimony within or before the commission.

"(3) No person shall injure or endeavor to injure the property or person of any complainant, witness, or other person as a result of their participation in, appearance, or testimony before the commission.

"(4) All persons testifying before the commission shall submit to an oath or affirmation of secrecy. The failure of a person to be so sworn shall not relieve the person of any criminal liability imposed by this section.

"(5) The prohibitions against disclosure pursuant to this subsection shall not apply to any district attorney or the Attorney General or members of their staff or witnesses from the date of the initiation of a criminal prosecution regarding prosecutions for violations of this chapter.

"(6) Any person who violates this subsection shall be guilty of a Class A misdemeanor.

"(c) Notwithstanding any other provision of this section, the commission shall not investigate any complaint against a candidate for election filed during the period between the 120th day before the election and the election. The commission shall not release the results of any investigation of a candidate for election within the 60 days preceding the election."

"§36-25-5.

"(a) No public official or public employee shall may use an official position or office to obtain direct personal financial gain for himself or herself, or his a member of the family of the public official or public employee, or any business with which he the person or a member of his family member is associated unless such the use and or gain are is specifically authorized by law. An interest or gain on the part of a person which is common to all persons similarly situated, or when there is a general benefit to other citizens in the class to which the person belongs, shall not constitute a direct personal financial gain.

"(b) Unless prohibited by the Alabama Constitution of Alabama of 1901, nothing herein shall be construed to prohibit a legislator from introducing bills and resolutions, serving on committees, or from making statements or taking action in the exercise of his or her legislative duties.

"(c) Nothing herein shall be construed to prohibit any public official or public employee from casting his or her vote on behalf of the people he or she may represent on any ordinance, resolution, or other action in the exercise of the position for which he or she was elected or appointed."

"§36-25-6.

"No person shall offer to or give to a public official, or public employee, or member of his the family of the public official or public employee, and ~~none of the aforementioned~~ no public official, public employee, or member of the family of the public official or public employee shall solicit or receive ~~anything~~ a thing of value, including a gift, favor or service or a promise of future employment, based on any understanding that the vote, official actions, decisions, or judgment of the intended recipient or family member would be influenced thereby. ~~Expenses associated with social occasions afforded public officials and employees shall not be deemed a thing of value within the meaning of this section or prohibited hereby."~~

"§36-25-7.

"(a) No public official, or public employee, or a member of the his family of the public official or public employee shall solicit or receive any money in addition to that received by the public official or public employee in his or her official capacity for advice or assistance on matters concerning the legislature Legislature, an executive department, or any public regulatory board, commission, or other body which might influence the judgment of the public official or public employee in regards to matters which might come before the public official or public employee in the governmental position held by the public official or public employee.

"(b) No public official or public employee or business with which ~~he~~ the person is associated shall receive any fee, salary, wages, or other compensation for services provided to the state or any of its agencies or to any county, or municipality, or instrumentalities thereof unless a disclosure statement provided for in this section ~~shall be~~ is filed with the commission by the person rendering the services.

"(c) The disclosure statement shall include all of the following information:

"(1) The name of the employer;

"(2) The amount of the compensation received for the employment; ~~and.~~

"(3) The date of employment."

"§36-25-8.

"No public official or public employee shall use or disclose confidential information gained in the course of or by reason of his or her position or employment in any way that could result in financial gain other than his or her regular salary as a public official or public employee ~~such state officer for himself, his the public official, public employee, a member of the family of the public official or public employee,~~ or for any other person."

"§36-25-9.

"(a) Unless expressly provided otherwise by law, no person shall serve as a member or employee of a state, county, or municipal regulatory board or commission or other body that regulates any business with which he the person is associated. ~~Nothing herein shall prohibit~~ Notwithstanding the foregoing, real estate brokers, agents, developers, appraisers, mortgage bankers, or other persons in the real estate field, or other state-licensed professionals, are not prohibited from serving on any planning boards or commissions, housing authorities, zoning board boards, board boards of adjustment, code enforcement board boards, industrial board boards, utilities board boards, or other state board boards or commission commissions.

"(b) ~~All county~~ County or municipal regulatory boards, authorities, or commissions currently comprised of any real estate brokers, agents, developers, appraisers, mortgage bankers or other persons in the real estate industry may allow ~~these~~ those individuals to continue to serve out their current ~~term~~ terms if appointed before December 31, 1991, ~~except that at.~~ At the conclusion of such the current term, subsequent appointments shall reflect ensure that the membership of real estate brokers and agents on the board shall not exceed more than one less of a majority of any county or municipal regulatory the board or commission. The aforementioned limitation shall become effective January 1, 1994.

"(c) No member of any county or municipal ~~agency,~~ regulatory board, or commission shall vote on, or participate on in, any matters matter in which said ~~member he or she or a member of his or her immediate family of said member~~ has any financial gain or interest ~~in the outcome of said vote.~~

"(d) All acts, actions, and votes taken by a county or municipal regulatory ~~such local boards and commissions~~ board or commission between January 1, 1991 and December 31, 1993 are ~~hereby~~ affirmed and ratified."

"§36-25-10.

"If a public official, ~~or public employee,~~ or a member of his the family of the public official or public employee, or a business with which ~~any of them~~ the person is associated, ~~shall for a fee represent~~ represents a client or constituent for a fee before any quasi-judicial board or commission, governmental regulatory agency or executive department or agency, notice of ~~such the~~ the representation must shall be given within five days after the first day of ~~such~~ appearance. Notice shall be filed with to the state ethics commission in the manner prescribed by the commission it. No member of the legislature Legislature shall for a fee, reward, or other compensation represent any person, firm, or corporation before the ~~public service commission~~ Public Service Commission or the ~~state board of adjustment~~ State Board of Adjustment."

"§36-25-11.

"Unless exempted under Alabama competitive bid laws pursuant to Article 2 (commencing with Section 41-16-20) and Article 3 (commencing with Section 41-16-50), Chapter 16, Title 41, or unless otherwise permitted to do so under law, no public official, or public employee, or a member of his the family of the public official or public employee, including children, whether dependent or not, and no business with which any of them the person is associated shall enter into any contract to provide goods or services which is to be paid in whole or in part out of state, county, or municipal funds unless the contract has been awarded through a process of public notice and competitive bidding and a copy of such the contract is filed with the commission. All such contract awards shall be made as a result of original bid takings, and no awards from negotiations after bidding shall be allowed. A copy of each contract, regardless of the amount, entered into by a public official, public employee, family member of the family of a public official or public employee, including children, whether dependent or not, and any business with which any of them the person is associated shall be filed with the state ethics commission."

"§36-25-12.

"No person shall offer or give to a member or employee of a governmental agency, board, or commission that regulates a business with which such the person is associated, and no member or employee of a governmental regulatory agency, board, or commission shall solicit or accept from any such person anything a thing of value including a promise of future employment or a favor or service while the member or employee is associated with the regulatory agency, board, or commission. Expenses associated with social entertainment afforded members and employees shall not be deemed a thing of value within the meaning of this section."

"§36-25-13.

"(a) No former state public official or public employee shall serve for a fee as a lobbyist or represent clients before the body, agency, or department of which he or she is a former member or former employee for a period of three two years after he leaves leaving such membership, office, or employment; unless notice of such representation is given within five days after such appearance to the state ethics commission in the manner prescribed by the commission."

"(b) After leaving a public agency or office, no No former public official or public employee shall enter into a contract with any governmental agencies the public agency or office with which he or she formerly served or was employed for a period of two years after termination of his or her service or employment. This subsection shall not be applicable to supernumerary classifications established by law prior to the effective date of the act amending this subsection. This section shall not be applicable to former employees of the Legislature possessing unique

expertise, knowledge, or skill. For purposes of this subsection, contract does not include an employee/employer relationship. unless within five days of entering into said contract notice is filed with the commission of his previous status as a public official or employee and a copy of the contract provided."

"§36-25-14.

"(a) A statement of economic interests must shall be completed and filed in accordance with the provisions of this chapter with the state ethics commission no later than April 30 of each year covering the period of the preceding calendar year by the following persons: 1) Elected public officials. 2) Appointed public officials who occupy a position paying forty-five thousand dollars (\$45,000) or more annually. 3) Public employees who occupy a position paying forty-five thousand dollars (\$45,000) or more annually. ~~all elected public officials at the state, county or municipal level of government or their instrumentalities and any person appointed as a public official or employed as a public employee at the state, county or municipal level of government or their instrumentalities who occupies a position paying \$25,000.00 or more annually.~~ Such The statement shall be made on a form provided by the commission and shall contain all of the following information on the person making such the filing:

"(1) Name, residential address, business; , name and address of living spouse, minor and dependent children, adult children, parents, brothers and sisters, and, to the best of his or her knowledge, the principal occupation of each of these persons;.

"(2) A list of ~~occupation(s)~~ occupations to which one third or more of working time was given during the previous reporting year by the filing public official or public employee and the spouse of the public official or public employee;.

"(3) A listing of ~~total combined family~~ income of the public official or public employee during the most recent reporting year as to income from salaries, fees, dividends, profits, commissions, and other compensation from any business doing business in Alabama and a listing of the names of each business and the income derived from such business in the following categorical amounts: Less than \$1,000.00 one thousand dollars (\$1,000); at least \$1,000.00 one thousand dollars (\$1,000) and less than \$10,000.00 ten thousand dollars (\$10,000); at least ten thousand dollars (\$10,000) and less than twenty-five thousand dollars (\$25,000); at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000) and less than two hundred fifty thousand dollars (\$250,000); at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000); at least five hundred thousand dollars (\$500,000) and less than one million dollars (\$1,000,000); and one million dollars (\$1,000,000) or more. ~~\$10,000.00 or more; further, the~~ The person reporting shall name any business or subsidiary thereof in which he or she or his or her spouse or dependents, jointly or severally, own one tenth or more of the stock or in which he or she or his or her spouse serves as an officer, director, trustee, or consultant where such service provides income of more than \$1,000.00 one thousand dollars (\$1,000) for the reporting period; .

"(4) If the filing public official or public employee, or his or her spouse, has engaged in a business during the last reporting year which provides legal, accounting, medical or health related, real estate, banking, insurance, educational, farming, engineering, architectural, management, or other professional services or consultations, then the filing party shall report the number of clients of ~~such~~ the business in each of the following categories and the income in categorical amounts received during the reporting period from the combined number of clients in each category: electric utilities, gas utilities, telephone utilities, water utilities, cable television companies, intrastate transportation companies, pipeline companies, oil ~~and/or~~ or gas exploration companies, or both, oil and gas retail companies, banks, savings and loan associations, loan ~~and/or~~ or finance companies, or both, manufacturing firms, mining companies, life insurance companies, casualty insurance companies, ~~and~~ other insurance companies, retail companies, beer, wine ~~and/or~~ or liquor companies or distributors, or any combination thereof, trade associations, professional associations, governmental associations, associations of public employees or public officials, counties, and any other businesses or associations that the commission may deem appropriate. Amounts received from combined clients in each category shall be reported as: ~~less than \$1,000.00; more than \$1,000.00 but less than \$10,000.00; \$10,000.00 or above;~~ less than one thousand dollars (\$1,000); at least one thousand dollars (\$1,000) and less than ten thousand dollars (\$10,000); at least ten thousand dollars (\$10,000) and less than twenty-five thousand dollars (\$25,000); at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000) and less than two hundred fifty thousand dollars (\$250,000); at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000); at least five hundred thousand dollars (\$500,000) and less than one million dollars (\$1,000,000); and one million dollars (\$1,000,000) or more.

"(5) If retainers are in existence or contracted for in any of the above categories of clients, a listing of the categories along with the anticipated income to be expected annually from each category of clients shall be shown in the following amounts: ~~less than \$1,250.00; \$1,250.00 or more;~~ less than one thousand dollars (\$1,000); at least one thousand dollars (\$1,000) and less than ten thousand dollars (\$10,000); at least ten thousand dollars (\$10,000) and less than twenty-five thousand dollars (\$25,000); at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000) and less than two hundred fifty thousand dollars (\$250,000); at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000); at least five hundred thousand dollars (\$500,000) and less than one million dollars (\$1,000,000); and one million dollars (\$1,000,000) or more.

"(6) If real estate that is held for investment or is revenue producing is held production by a public official, or his or her spouse or dependents, then a listing thereof by the following categories of fair market value: under \$50,000.00; at least \$50,000.00 but less than \$250,000.00; \$250,000.00 or more; less than one thousand dollars (\$1,000); at least one thousand dollars (\$1,000) and less than ten thousand dollars (\$10,000); at least ten thousand dollars (\$10,000) and less than twenty-five thousand dollars (\$25,000); at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000) and less than two hundred fifty thousand dollars (\$250,000); at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000); at least five hundred thousand dollars (\$500,000) and less than one million dollars (\$1,000,000); and one million dollars (\$1,000,000) or more. A listing shall also be made by ~~and~~ the following categories of annual gross rent and lease income on real estate: less than \$10,000.00; at least \$10,000.00 and less than \$50,000.00; \$50,000.00 or more; less than one thousand dollars (\$1,000); at least one thousand dollars (\$1,000) and less than ten thousand dollars (\$10,000); at least ten thousand dollars (\$10,000) and less than twenty-five thousand dollars (\$25,000); at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000) and less than two hundred fifty thousand dollars (\$250,000); at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000); at least five hundred thousand dollars (\$500,000) and less than one million dollars (\$1,000,000); and one million dollars (\$1,000,000) or more. Furthermore, if a public official or a business in which he the person is associated receives rent or lease income from any governmental agency in Alabama, specific details of the lease or rent agreement shall be filed with the commission; .

"(7) A listing of indebtedness to businesses operating in Alabama showing types and number of each as follows: Banks, savings and loan associations, insurance companies, mortgage firms, and stockbrokers ~~(the commission shall add additional categories as it deems necessary);~~ and the indebtedness to combined organizations in each category in amounts as follows: Less than \$25,000.00; \$25,000.00 but less than \$50,000.00; \$50,000.00 but less than \$100,000.00; \$100,000.00 or more; less than \$1,000.00 one thousand dollars (\$1,000); at least \$1,000.00 one thousand dollars (\$1,000) and less than \$10,000.00 ten thousand dollars (\$10,000); at least ten thousand dollars (\$10,000) and less than twenty-five thousand dollars (\$25,000); at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000) and less than two hundred fifty thousand dollars (\$250,000); at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000); at least five hundred thousand dollars (\$500,000) and less than one million dollars (\$1,000,000); and one million dollars (\$1,000,000) or more. The commission may add additional businesses to this listing. Indebtedness associated with the home-stead of the person filing is exempted from this disclosure requirement.

"(8) A certification by each legislator that he or she has attended eight hours of continuing educational classes in the field of ethics in government as required by subdivision (11) of subsection (a) of Section 36-25-4.

"(b) Filing required by this section shall reflect information and facts in existence at the end of the reporting year.

"(c) In the event that said If the information required herein is not filed as required, the commission shall notify the public official or public employee concerned as to his or her failure to ee file and the public official or public employee shall have 10 days to file said the report after receipt of said the notification.

"(b) (d) After the original filing of the above prescribed statement(e) statement, each person shall make additional subsequent filing within 90 days after the termination of each succeeding reporting year. Filings required by subdivisions (5), (6) and (7) of subsection (a) of this section shall reflect information and facts in existence at the end of the reporting year."

"§36-25-15.

"(a) Within 10 days after he becomes becoming a candidate for state public office, each the candidate shall file a statement of economic interests as prescribed by the commission and in keeping with this chapter at the office of the state ethics with the commission.

"(b) Each election official who receives a declaration of candidacy or petition to appear on the ballot for election as from a state official candidate for public office and each official who nominates a person to serve as a state public official shall, within five 10 days of such receipt or nomination, notify the state ethics commission of the name of each new the candidate for state public office, as defined in this chapter, and the date on which such the person became a candidate for public office.

"(c) The state ethics commission shall notify such official the election official or the political party of the candidate who received the declaration of candidacy or petition, and, in the case of candidates for appointive public office who are appointed, the clerk or secretary of the body that will approve or disapprove the nomination, of the name of each candidate candidates for public office who files filed a statement of economic interests at the office of the commission and of the date on which such the statement was filed.

"(d) Other provisions of the law notwithstanding, if a candidate for elective public office does not submit a statement of economic interests in accordance with the requirements of this chapter within 10 days after he becomes becoming a candidate, his the name of the person shall not appear on the ballot. However, the state ethics commission may in its discretion allow the candidate for public office an additional five 10 days to file such the statement of economic interests because

of mistake, omission, error, or other good cause. If a statement of economic interests is not filed within the required time, the commission shall immediately certify to the proper election official the failure of the candidate to comply. The election official shall remove the name of the candidate for public office from the ballot.

"(e) If a person who becomes a candidate for ~~appetitive~~ public office by nomination fails to file a statement of economic interests in accordance with the ~~provisions of this chapter~~ within 10 days after such nomination, the nomination shall not be approved or ratified until at least 10 days after ~~he~~ the person has filed ~~such the~~ statement of economic interests."

"§36-25-16.

"(a) When any citizen of the state or business with which ~~he~~ the person is associated represents for a fee any person before a state regulatory agency, ~~or~~ commission, or department of the executive branch, ~~he or she~~ shall report to the ~~state ethics~~ commission the name of any adult child, parent, spouse, brother, or sister who is an public official or an public employee of that state regulatory agency, ~~or~~ commission, or department of the executive branch.

"(b) When any citizen of the state or business with which ~~he~~ the person is associated enters into a contract for the sale of goods or services to the State of Alabama or any of its agencies in amounts exceeding \$1,000.00 one thousand dollars (\$1,000), ~~he or she~~ shall report to the ~~state ethics~~ commission ~~the names~~ name of any adult child, parent, spouse, brother, or sister who is an a public official or public employee of the agency or department with whom the contract is made. This section shall not apply to any contract for the sale of goods or services awarded through a process of public notice and competitive bidding.

"(c) Each state regulatory agency, commission, ~~or~~ department of the executive branch, or any agency of the ~~state~~ State of Alabama shall be responsible for notifying citizens affected by this chapter of the requirements of this provision section.

"§36-25-17.

"(a) Every governmental agency head shall file reports with the commission on any matters that come to his or her attention which may constitute a violation of this chapter.

"(b) Every governmental ~~Governmental~~ agency heads head shall cooperate in every possible manner in connection with any investigation or hearing, public or private, which may be conducted by the commission.

"(c) ~~The commission shall prepare and publish, prior to the implementation of this chapter, procedures for review or appeal of any action taken against or in regard to any person covered in this chapter.~~

"(c)(1) A state, county, or municipal agency, department, or authority shall not discharge a person who files a complaint pursuant to Section 36-25-4, or a person assisting or acting on behalf of a complainant including, but not limited to, a state, county, or municipal official or employee, because of either of the following:

"a. The complainant or a person assisting or acting on behalf of a complainant, reports, in writing, a violation or a suspected violation of this chapter.

"b. A complainant or a person assisting or acting on behalf of a complainant, is requested by the commission to participate in an investigation, hearing, or inquiry held by the commission or is requested to participate in any related court action.

"(2) A state, county, or municipal agency, department, or authority shall not threaten or discriminate against a person who files a complaint pursuant to Section 36-25-4, or a person assisting or acting on behalf of a complainant including, but not limited to, a state, county, or municipal official or employee, regarding compensation, terms, conditions, location, or privileges of employment because of either of the following:

"a. The complainant or a person assisting or acting on behalf of a complainant, reports, in writing, a violation or a suspected violation of this chapter.

"b. A complainant or a person assisting or acting on behalf of a complainant, is requested by the commission to participate in an investigation, hearing, or inquiry held by the commission or is requested to participate in any related court action.

"(3) This subsection shall not apply to a complainant or a person assisting or acting on behalf of a complainant, who knowingly makes a false report against any public official or public employee.

"(4) A complainant, or a person assisting or acting on behalf of a complainant, who alleges a violation of this subsection may bring a civil action for appropriate injunctive relief, or actual damages, or both, within 90 days after the occurrence of the alleged violation of this subsection.

"(5) A court, in rendering a judgment in an action brought pursuant to this subsection may order reinstatement of the complainant or a person assisting or acting on behalf of the complainant, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages, or any combination of these remedies. A court may also award the complainant all or a portion of the costs of litigation, including, but not limited to, reasonable attorney fees and witness fees, if the court determines that the award is appropriate."

"§36-25-18.

"(a) Every person employed or retained as a lobbyist shall register by filing a form prescribed by the commission within five days after the first undertaking requiring registration.

"(b) The registration shall be written, verified, and shall contain, but not be limited to, all of the following information:

"(1) The registrant's full name and address;

"(2) The registrant's normal business and business address;

"(3) The full name and address of the principal or principals of the registrant ~~registrant's principal(s);~~

"(4) A listing of the categories of subject matters on which the registrant is to communicate directly with a member of the legislative or executive branch to influence legislation or executive action;

"(5) If a registrant's activities are done on behalf of the members of a group other than a corporation, ~~the registration form shall include~~ a categorical disclosure of the number of members of the group as follows: one through One to five, inclusive; six through to 10, inclusive; 11 through to 25, inclusive; and over 25.

"(6) A statement signed by the principal(s) principal that ~~he the principal~~ has ~~or they have~~ read the registration, ~~knew~~ knows its contents, and has ~~or have~~ authorized the registrant to be a lobbyist in his ~~or her~~ ~~or their~~ behalf as specified therein and that no compensation will be paid to the registrant contingent upon passage or defeat of ~~such measure(s)~~ a particular measure.

"(7) Certification that the lobbyist has attended eight hours of continuing educational classes in the field of ethics in government as required by subdivision (11) of subsection (a) of Section 36-25-4.

"(c) A registrant shall file a supplemental registration indicating any substantial change in the information contained in the prior registration within 10 days after the date of the change.

"§36-25-19.

"(a) Every person registered ~~under as a lobbyist pursuant to section~~ Section 36-25-18 and every principal employing ~~such the~~ lobbyist shall file with the commission a sworn statement concerning the activities set out in ~~said that~~ said section. The report ~~must~~ shall be filed between the first and fifteenth day of each month succeeding a month in which the legislature Legislature is in session ~~covering and shall cover~~ the activities during the previous month. The report shall be written, verified, and contain, but not be limited to, all of the following information:

"(1) All amounts received or expended directly or indirectly for the purpose of carrying on lobbying activities in the following categories: Less than \$1,000.00 one thousand dollars (\$1,000); \$1,000.00 one thousand dollars (\$1,000) through to \$3,000.00 three thousand dollars (\$3,000) inclusive; and more than \$3,000.00 three thousand dollars (\$3,000); but. The report shall not need not include amounts received by ~~such~~ the lobbyist for his personal living expenses ~~nor~~ or amounts received which are reportable as income to him the lobbyist for federal tax purposes unless his or her contract of employment provides that amounts received for ~~such~~ those expenses or as ~~such~~ income may ~~or shall~~ be used for carrying on lobbying activities;.

"(2) ~~A detailed statement of any~~ Any money loaned or promised to ~~legislators~~ Legislators or to anyone on their behalf of a Legislator;.

"(3) ~~A statement detailing the~~ The extent of any direct business association or partnership with any current member of the legislature Legislature, or public official, or public employee;.

"(4) ~~A list of legislation~~ Legislation by category supported or opposed by the registrant, by any person retained or employed by the registrant to appear on his or her behalf, or by any other person appearing on his or her behalf.

"(b) In addition to the report required pursuant to subsection (a), every person registered as a lobbyist pursuant to Section 36-25-18 and every principal employing the lobbyist shall file with the commission quarterly verified reports concerning a listing of: (1) Each instance in which both transportation was provided and lodging and meals were provided by the lobbyist or principal to a public official or public employee to attend meetings, conferences, and similar gatherings for educational or informational purposes; (2) the amounts specifically expended for transportation and the amounts expended for lodging and meals. The reports shall specify the name of the public official or public employee, the dates of the meeting, conference, or gathering, and the specific amounts expended."

"§36-25-20.

"(a) A person who ceases to engage in activities requiring him ~~to register under registration pursuant to section~~ Section 36-25-18 shall file a written, verified statement with the commission acknowledging the termination of activities. The notice ~~is shall be~~ effective immediately.

"(b) A Any person who files a notice of termination under this section ~~must~~ shall file the reports required under ~~sections~~ Sections 36-25-18 and 36-25-19 for any reporting period during which he or she was registered ~~under~~ pursuant to this chapter."

"§36-25-21.

"All reports filed ~~under~~ pursuant to ~~sections~~ Sections 36-25-18 ~~36-25-19 and to 36-25-20, inclusive,~~ are public records and shall be made available for public inspection during regular business hours."

"§36-25-22.

~~"The provisions of sections~~ Sections 36-25-18 through to 36-25-21, inclusive, shall not be construed as affecting professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation where such those professional ~~service is~~ services are not otherwise connected with legislative action."

"§36-25-23.

~~"No former member of the house of representatives or the senate of the state of Alabama shall be extended floor privileges of either body in a lobbying capacity. Without limiting Sections 36-25-6, 36-25-7, and 36-25-12, no public official or public employee shall solicit any lobbyist registered pursuant to Section 36-25-18 to give a thing of value, social occasions, or the costs of transportation or lodging and meals associated with educational or informational purposes to any person or entity. Notwithstanding the foregoing, a public official or candidate may solicit campaign contributions as provided by law. No lobbyist registered pursuant to Section 36-25-18 shall give a thing of value, social occasions, or the costs of transportation or lodging and meals associated with educational or informational purposes to any person or entity in response to a solicitation from a public official or public employee, other than a campaign contribution as provided by law."~~

"§36-25-24.

"Any citizen person wishing to file a complaint against any public official or employee covered by this chapter shall initially file said the complaint with the commission. If the complainant is not satisfied with the action of the commission, if the commission does not take proper action within 45 days, then the said citizen complainant may file the said complaint with the attorney general Attorney General or other officers authorized to enforce this chapter."

"§36-25-25.

~~"(a) Any person who knowingly and intentionally files a false complaint with the commission, or any member of the commission who initiates action against any state official, state employee or any other person covered by this chapter, knowing such complaint to be false or inaccurate, shall be guilty of the crime of malicious prosecution.~~

~~"(b) Whoever is convicted in a court of competent jurisdiction of the crime of malicious prosecution, in addition to any other punishment prescribed by law therefor, shall also be required by court order to reimburse the person against whom the false complaint was filed for all of his legal expenses and any other expenses incurred in relation to the accused defending himself against the false complaint. If such complaint is filed within six months prior to an election in which the accused's name appears on the ballot, the person filing the false complaint shall pay to the accused the amount set out above plus an equal amount to the general fund of the state.~~

"(a)(1) A person commits the crime of knowingly making a false report to the commission if he or she knowingly makes or transmits a false report or complaint against a public official, candidate for public office, or a public employee regarding a violation of this chapter.

"(2) Knowingly making a false report to the commission is a Class A misdemeanor.

"(e) (b) If any person, accused of violating this chapter, is acquitted upon trial, or if charges are dropped prior to trial, then such the person may, in the discretion of the court or jury, recover in a civil action from the complainant person who brought the charge against him a sum equal to three times the damages thereby caused together with reasonable attorney's fees and costs of the action."

"§36-25-26.

"No person, for the purpose of influencing legislation, may do any of the following:

"(1) Knowingly or willfully make any false statement or misrepresentation of the facts to a member of the legislative or executive branch; ~~or.~~

"(2) Knowing a document to contain a false statement, cause a copy of the document to be received by a member of the legislative or executive branch without notifying such the member in writing of the truth."

"§36-25-27.

"(a) (1) Except as otherwise provided, any Any person subject to this chapter who knowingly or willfully violates ~~any provisions of this chapter,~~ other than the requirements of financial and lobbying disclosure, shall be found guilty of a felony and shall be fined not more than ~~\$10,000.00~~ ten thousand dollars (\$10,000) or less than ~~\$2,001.00~~ two thousand one dollars (\$2,001), or shall be imprisoned for not more than 10 years but not less than two years or any combination thereof.

"(2) Any person subject to this chapter who knowingly or willfully violates any disclosure requirement of this chapter shall be found guilty of a misdemeanor, and shall be punished by a fine of ~~\$10.00~~ ten dollars (\$10) a day for each day the appropriate disclosure statement is delinquent or the proper information is unreported, but not to exceed \$1,000.00 one thousand dollars (\$1,000) annually.

"(b) All prosecutions for violations of ~~the provisions of this chapter~~ shall be initiated and prosecuted by the ~~attorney general~~ Attorney General of the state or by the district attorney having jurisdiction of the offense.

"(c) The penalties prescribed in this chapter do not limit the power of either house of the ~~legislature~~ Legislature to discipline its own members or to impeach public officials and do not limit the powers of agencies or commissions to discipline their respective officials or employees.

"(d) The circuit courts of this state shall have jurisdiction of all cases and actions relative to violations or the enforcement of this chapter, and the venue of any action under this chapter shall be in the county of the residence of the defendant.

"(e) Nothing in this chapter is intended to nor is to be construed as repealing in any way the provisions of any of the criminal laws of this state."

"§36-25-28.

"Nothing in the ~~provisions of~~ this chapter shall be construed as to deprive any citizen not lobbying for hire of ~~his~~ the citizen's constitutional right to communicate with members of the ~~legislature~~ Legislature."

"§36-25-29.

"The ~~legislature~~ Legislature shall annually and otherwise appropriate ~~such~~ those sums as it deems necessary to implement ~~the provisions of~~ and administer this chapter."

"§36-25-30.

"This chapter shall be construed in pari materia with all other laws dealing with the subject matter ~~hereof~~ of ethics, and ~~repeals~~ shall repeal all laws and parts of laws in conflict ~~herewith~~."

Section 4. All proceedings pending and all rights and liabilities existing, acquired, or incurred prior to and as of the effective date of this act are hereby saved and may be consummated according to the law in force when they were commenced. This act shall not be construed to affect any prosecution pending or begun before the effective date of this act.

Section 5. Sections 1 and 3 of this act shall be implemented on January 15, 1994. Notwithstanding any other provision of this amendatory act to the contrary, the language in this act amending subsection (a) of Section 36-25-13, Code of Alabama 1975, shall become effective January 1, 1995.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, SB 32, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE
Secretary

SENATE MESSAGE

**MOTION TO CONCUR AND ADOPT
REPORT OF THE COMMITTEE ON CONFERENCE OFFERED**

Representative Hammett offered the motion that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 32, said report being set out in the foregoing Message from the Senate.

**SUBSTITUTE MOTION TO NON-CONCUR AND REQUEST
NEW COMMITTEE ON CONFERENCE BE APPOINTED TABLED**

On motion of Representative Hammett, the substitute motion offered by Representative White that the House non-concur in the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 32, and requests the Speaker appoint a new Committee on Conference was tabled.

Yeas 68; Nays 19.

Yea:

Mr. Speaker, Beasley, Biddle, Blakeney, Box, Bryant, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Gaines, Gaston, Gullatt, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Venable, Williams and Willis.

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Nay:

Representatives Anderson, Barnes, Black (L), Black (M), Bowling, Buskey, Cagle, Freeman, Hamilton, McKee, Newton (D), Rogers (J), Sanderson, Spratt, Thomas, Turner, Turnham, Warren and White.

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REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

The question was then on the motion offered by Representative Hammett that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 32, and the motion to concur was adopted.

Yeas 89; Nays 10.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Burke, Butler, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Barnes, Black (L), Blakeney, Buskey, Cagle, Higginbotham, McKee, Mikell, Newton (D) and Turnham.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 65. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to Auburn University for the fiscal year ending September 30, 1994.

McDOWELL LEE
Secretary

MESSAGE FROM THE GOVERNOR

Alabama House of Representatives
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Joint Resolution No. 30, without the Governor's signature and with a suggested Executive Amendment.

Done this 24th day of August, 1993.

Respectfully submitted:

T. BRAD BISHOP
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Joint Resolution No. 30, without my approval and with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE JOINT RESOLUTION NO. 30

Please amend House Joint Resolution No. 30 as follows:

On page 2, line 17, after the semicolon following the word "officer" insert the following: the Director of Finance or the designee of the director;

The adoption of the above suggested Executive Amendment will remove my objections to this Resolution.

Done on this the 24th day of August, 1993.

Respectfully,

JIM FOLSOM
Governor

GOVERNOR'S MESSAGE

On motion of Representative Johnson, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the resolution, H.J.R. 30, said Governor's amendment being set out in the foregoing Message from the Governor.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 30. To amend the Alabama Special Educational Trust Fund Appropriation Act, Act No. 93-772, H. 222, 1993 Regular Session, to remove a prohibition concerning the transfer or expenditure of certain funds by the University of South Alabama.

McDOWELL LEE
Secretary

RECESS

On motion of Representative Turner, the House recessed to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 92. Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2, 17-22A-3, 17-22A-4, 17-22A-5, 17-22A-7, as amended by Act 93-762, S. 27, 1993 Regular Session, 17-22A-8, 17-22A-9, 17-22A-11, and 17-22A-21, Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 65. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to Auburn University for the fiscal year ending September 30, 1994.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 30. To amend the Alabama Special Educational Trust Fund Appropriation Act, Act No. 93-772, H. 222, 1993 Regular Session, to remove a prohibition concerning the transfer or expenditure of certain funds by the University of South Alabama.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 32. Relating to the State Ethics Law; defining certain terms; conforming certain provisions to those terms; making technical nonsubstantive changes; increasing the membership of the commission and providing for the method of filling vacancies; providing for the promulgation of rules and regulations; requiring the recording of proceedings and the preservation of the records; requiring Legislators and lobbyists to attend certain educational classes; permitting the copying of certain documents; specifying the procedure for the issuance of advisory opinions; requiring that investigative matters remain confidential and providing penalties for violations; providing a procedure for processing a complaint, including a complaint filed by a complainant requesting anonymity, and for offering the respondent a right to participate; providing a procedure for conducting an investigation and a hearing; providing a procedure for the subpoena of evidence; prohibiting certain public officers and public employees from lobbying for a fee or from entering into a contract with their former office or agency for a certain time and specifying the implementation date of this prohibition; revising the statement of economic interests; specifying the procedure to be used to remove a candidate from the ballot; requiring lobbyists and principals to file additional information; prohibiting public officials and public employees from soliciting a thing of value or certain costs and prohibiting a lobbyist from satisfying such a solicitation; providing certain employment protection and civil remedies to persons filing a complaint; creating the crime of knowingly making a false report of a complaint and prescribing criminal penalties; permitting the recovery of attorney fees in a civil action; specifying implementation and effective dates; and amending Sections 36-25-1 to 36-25-30, inclusive, Code of Alabama 1975.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the seventh legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the seventh legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Resolution:

H.J.R. 30. CREATING A JOINT INTERIM LEGISLATIVE STUDY COMMITTEE TO EVALUATE UNMET NEEDS OF CAREGIVERS AND VICTIMS OF ALZHEIMER'S DISEASE AND RELATED DISORDERS.

by a majority of the whole number elected to the Senate, said vote being: Voice Vote.

And said Resolution, HJR 30, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 91. To further amend Section 37-3-4, Code of Alabama 1975, amended by Act No. 93-752, H. 311 of the 1993 Regular Session, relating to certain exemptions from the Alabama Motor Carriers Act for certain motor carriers and others to allow certain motor carriers who transport passengers of certain nonprofit groups, organizations, societies, corporations, public institutions, or other organizations with tax exempt status by the federal government pursuant to 26 U.S.C.A. 501(c), to charge lesser rates or tariffs; to require certain filings with the Public Service Commission in the manner prescribed by the commission; and to provide for an effective date.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 35. To amend the General Fund appropriation bill, Act 93-771 of the 1993 Regular Session which makes appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994, in the following manner: (1) to provide for a supplemental appropriation to the Alabama Department of Economic and Community Affairs; (2) to amend language and to provide for a supplemental appropriation to the Alabama Forestry Commission from the Alabama Forestry Commission Fund; (3) to transfer funds between programs under the Farmers' Market Authority; (4) to provide for a supplemental appropriation to the Historic Blakeley Authority; (5) to provide for a supplemental appropriation to the Legislative Fiscal Office; (6) to provide for a supplemental appropriation to the Alabama Public Service Commission from the Public Service Commission Fund; (7) to provide for a supplemental appropriation to the State Auditor; (8) to provide for a supplemental appropriation to the Alabama Development Office; (9) to provide for a supplemental appropriation to the District Attorneys; (10) to provide for a supplemental appropriation to the Department of Corrections from the Department of Corrections Special Revenue Fund; and (11) to provide for an appropriation to the Home Builders Licensure Board; (12) to provide a conditional appropriation to Choctawhatchee-Pea Rivers Watershed Management Authority.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House concurred in and adopted the Senate amendment to the bill, H. 35, said Senate amendment being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To amend the General Fund appropriation bill, Act 93-771 of the 1993 Regular Session which makes appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994, in the following manner: (1) to amend language and to provide for a supplemental appropriation to the Alabama Forestry Commission from the Alabama Forestry Commission Fund; (2) to provide for a supplemental appropriation to the Alabama Public Service Commission from the Public Service Commission Fund; (3) to provide for a supplemental appropriation to the Department of Corrections from the Department of Corrections Special Revenue Fund; (4) to provide for an appropriation to the Home Builders Licensure Board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 2C. 61. of Act 93-771 of the 1993 Regular Session is hereby amended to read as follows:

**"61. FORESTRY COMMISSION,
ALABAMA:**

(a) Forest Resources Protection and Development Program.....	23,681,581 <u>24,981,581</u>
(b) Birmingham Metro Forestry Unit.....	96,800
(c) People Against A Littered State.....	101,640

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	12,474,757		
(2) Federal and Local Funds.....		4,396,531	
(3) Forestry Commission Fund.....		<u>7,008,733</u>	
		<u>8,308,733</u>	
Total Alabama Forestry Commission....	<u>12,474,757</u>	<u>11,405,264</u>	<u>23,880,021</u>
		<u>12,705,264</u>	<u>25,180,021</u>

Of the above appropriation to the Alabama Forestry Commission, \$2,365,902 shall be used for rural and community fire protection, and \$443,385 shall be used for forestry research, marketing, management and environmental improvement grants and \$25,000 shall be expended for the Pine Beetle Project at the University of North Alabama. Of the above appropriation, \$50,000 shall be expended at the Forestry Resource Center, and \$25,000 shall be expended for the LBW Scenic Trail."

" 1 1 2 . P U B L I C S E R V I C E C O M M I S S I O N :

(a) Regulatory Services Program.....	5,467,060
(b) Administrative Services Program....	5,187,506
	<u>5,387,596</u>

The above appropriation includes a transfer to the State General Fund of \$1,500,000 in four equal amounts at the end of each quarter of the fiscal year.

SOURCE OF FUNDS:

(1) Public Service Commission Fund....	9,004,576
	<u>10,104,576</u>

The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities, radio companies and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used

by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$1,500,000 shall be transferred to the State General Fund.

(2) Gas Pipeline Safety Fund.....	579,080	
(3) Departmental Receipts.....	16,000	
(4) Federal and Local Funds.....	155,000	
Total Public Service Commission.....	<u>10,654,656</u>	<u>10,654,656</u>
	<u>10,854,656</u>	<u>10,854,656"</u>

Section 4. Section 2C. 30. of Act 93-771 of the 1993 Regular Session is hereby amended to read as follows:

"30. CORRECTIONS, DEPARTMENT
OF:

(a) Administrative Services and Logistical Support Program.....	10,034,679
(b) Institutional Services Corrections Program.....	<u>140,354,083</u> <u>142,354,083</u>

The Department of Corrections at its Limestone Correctional Facility shall furnish a bus, the necessary inmates and necessary security for community service.

(c) Correctional Agricultural and Industries Program.....	18,352,652
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The Department of Corrections shall not utilize any portion of its State General Fund appropriation to support the Correctional Industries Program, for either the agribusiness element or the industries element.

(d) Capital Outlay Program.....	50,000
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SOURCE OF FUNDS:

(1) State General Fund..... 141,578,854

(2) Department of Corrections
Industrial Revolving Fund..... 18,402,652

The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.

(3) Drug Demand Reduction Fund..... 150,908

In accordance with Sections 13A-12-280 through 13A-12-284, Code of Alabama 1975.

(4) Federal Funds..... 1,659,000

(5) Departmental Receipts..... 7,000,000
9,000,000

Total Department of Corrections.....	<u>141,578,854</u>	<u>27,212,560</u>	<u>168,791,414</u>
		<u>29,212,560</u>	<u>170,791,414"</u>

In addition to the above appropriation, there is hereby conditionally appropriated \$5,300,000 to the Department of Corrections from the State General Fund to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor. In addition, there is hereby appropriated \$500,000 for capital outlay to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor."

Section 5. Further amend Section 2C. of Act 93-771 of the 1993 Regular Session by adding after Section 2C. 79. a new subsection as follows:

"79A. HOME BUILDERS LICENSURE

BOARD:

**(a) Professional and Occupational
Licensing and Regulation Program**

524,460

SOURCE OF FUNDS:

**(1) Home Builders Licensure Board
Fund**

524,460

**In accordance with Sections 34-14A-1
through 34-14A-17, Code of
Alabama 1975.**

Total Home Builders Licensure Board

524,460

524,460"

Section 6. If any section, paragraph, sentence, clause, provision or portion of this act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed and shall not affect the parts which remain.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 91. To further amend Section 37-3-4, Code of Alabama 1975, amended by Act No. 93-752, H. 311 of the 1993 Regular Session, relating to certain exemptions from the Alabama Motor Carriers Act for certain motor carriers and others to allow certain motor carriers who transport passengers of certain nonprofit groups, organizations, societies, corporations, public institutions, or other organizations with tax exempt status by the federal government pursuant to 26 U.S.C.A. 501(c), to charge lesser rates or tariffs; to require certain filings with the Public Service Commission in the manner prescribed by the commission; and to provide for an effective date.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 30. CREATING A JOINT INTERIM LEGISLATIVE STUDY COMMITTEE TO EVALUATE UNMET NEEDS OF CAREGIVERS AND VICTIMS OF ALZHEIMER'S DISEASE AND RELATED DISORDERS.

And finds same correctly enrolled with Executive Amendment.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:20 A.M. on August 24, 1993.

H. 46	H. 102
H. 47	H.J.R. 84
H. 54	H. 66
H. 56	H. 82
H. 90	

Delivered to the Secretary of State at 1:50 P.M. on August 24, 1993.

H. 67 (Constitutional Amendment)

Delivered to the Governor at 1:55 P.M. on August 24, 1993.

H. 10	H. 41	H.J.R. 89
H. 21	H. 52	H.J.R. 90
H. 23	H. 99	H.J.R. 91
H. 25	H. 40	H.J.R. 92
H. 70	H. 50	H.J.R. 93
H. 58	H. 59	H.J.R. 94
H. 2	H. 60	H.J.R. 95
H. 55	H. 64	H.J.R. 96
H. 44	H. 8	H.J.R. 97
H. 19	H.J.R. 85	H. 28
H. 39	H.J.R. 86	H. 86

Delivered to the Governor at 4:40 P.M. on August 24, 1993.

H. 33	H. 62
H. 24	H. 69
H. 9	H. 81
H. 49	

Delivered to the Governor at 8:45 P.M. on August 24, 1993.

H. 14	H. 27
H. 34	H. 83

Delivered to the Governor at 9:31 P.M. on August 24, 1993.

H. 92

Delivered to the Governor at 10:02 P.M. on August 24, 1993.

H. 65

H. 30

H. 91

H.J.R. 30 (EXECUTIVE AMENDMENT)

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Freeman, the House adjourned sine die at 10:05 o'clock p.m.

Yeas 44; Nays 27.

Yea:

Representatives Anderson, Beasley, Black (L), Black (M), Blakeney, Bryant, Cagle, Carothers, Carter, Crow, Curry, Dolbare, Freeman, Goodwin, Gullatt, Hamilton, Haney, Hilliard, Hogan, Holladay, Holley, Holmes, Johnson, Knight (J), Laird, Letson, Lindsey, Mathis, McKee, Melton, Mikell, Morrow, Newton (C), Parker (T), Petelos, Powell, Rogers (F), Smith (R), Starkey, Thomas, Walker, Warren, White and Willis.

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Nay:

Mr. Speaker, Biddle, Box, Carns, Flowers, Fuller, Gaines, Harper, Hawkins, Higginbotham, Hill, Kennedy, Knight (A), Kvalheim, McDaniel, McMillan, Morton, Parker (P), Payne, Poole, Richardson, Rockhold, Sanderson, Smith (C), Spratt, Turnham and Venable.

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GREG PAPPAS
Clerk of the House of Representatives
of the Legislature of Alabama
Extraordinary Session, 1993.

HOUSE OF REPRESENTATIVES

FIRST EXTRAORDINARY SESSION 1993

ALPHABETICAL ROSTER AND DISTRICT NUMBERS

Morris Anderson, 8
David Barnes, 58
John P. Beasley, 85
Jack Biddle, III, 43
Lucius Black, 67
Marcel Black, 2
Harrell Blakeney, 66
W. C. (Bill) Bowling, 12
Michael E. Box, 96
Jenkins Bryant, Jr., 68
Ralph Burke, 24
James E. Buskey, 99
Tom Butler, 6
Johnny T. Cagle, 14
James M. Campbell, 36
Jim Carns, 46
Joe R. Carothers, Jr., 86
Tommy Carter, 5
James S. (Jimmy) Clark, 84
William (Bill) Clark, 98
George H. Clay, 82
Sam Collins, 16
W. F. (Noopie) Cosby, Jr., 70
Bobby C. Crow, 35
James T. Cullins, 81
Johnny L. Curry, 50
Jeff Dolbare, 65
Tom Drake, 11
Steve Flowers, 89
Joe M. Ford, 28
Dewayne Freeman, 21
William P. (Bill) Fuller, Jr., 38
Mark L. Gaines, 55
Victor Gaston, 100
J. W. (Joe) Goodwin, 3
Jane Gullatt, 83
Albert Hall, 22
James H. Hamilton, 4
Seth Hammett, 92
James C. (Jim) Haney, 10
Taylor F. Harper, 105
Bob Harvey, 27
John Hawkins, 48
Clarence Haynes, 32
G. J. (Dutch) Higginbotham, 80
Mike Hill, 41
John R. Hilliard, 60
Thomas E. (Tom) Hogan, 13
Hugh Holladay, 42
Jimmy W. Holley, 91
Alvin Holmes, 78
Perry O. Hooper, Jr., 73
Ronald G. Johnson, 33
Yvonne Kennedy, 103
Al Knight, 40
John F. Knight, Jr., 77
Ken Kvalheim, 101
Richard J. Laird, 37
Allen Layson, 15
Sam Letson, 7
Richard J. Lindsey, 39
Nathan Mathis, 87
Edward B. (E. B.) McClain, 57
W. F. (Frank) McDaniel, 26
Bobbie G. McDowell, 56
Bob McKee, 74
Stephen A. (Steve) McMillan, 95
Bryant Melton, 61
Mike Mikell, 76
Michael J. (Mike) Millican, 17
Johnny Mack Morrow, 18
Albert G. Morton, 45
Charles O. Newton, 90
Demetrius C. Newton, 53
John G. (Jack) Page, 29
Paul Parker, 9
Tim Parker, 63
Arthur Payne, 44
Walter E. Penry, Jr., 94
George Perdue, 54
Tony Petelos, 49
Phil Poole, 62
Horace W. Powell, Sr., 71
Kerry Rich, 25
Ben T. Richardson, 23
Lois M. Rockhold, 104
Frank Rogers, 51
John W. Rogers, Jr., 52
Howard Sanderford, 20
Allen Sanderson, 47
Curtis Smith, 72
Roy E. Smith, 30
Lewis G. Spratt, 59
Nelson R. Starkey, Jr., 1
James L. Thomas, 69
J. E. Turner, 102
Pete Turnham, 79
Jack B. Venable, 31
Claud Walker, 75
James E. (Jimmy) Warren, 64
Frank P. (Skippy) White, 93
Nolan Williams, 88
Gerald Willis, 34
Mary S. Zoghby, 97

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA
1993**

OFFICERS

JAMES S. CLARK, *Speaker*, Eufaula
JAMES M. CAMPBELL, *Speaker Pro Tem*, Anniston
WILLIAM G. (GREG) PAPPAS, *Clerk*, Montgomery
DON LADNER, *Administrative Assistant*, Montgomery
VANNAH W. NORRELL, *Chief Clerk*, Montgomery

MEMBERS OF THE HOUSE

Dist. Nos.	Counties & Names	Addresses
1	LAUDERDALE Nelson R. Starkey, Jr.....	301 North Pine Street, Florence 35630
2	COLBERT Marcel Black.....	P.O. Box 491, Tuscumbia 35674
3	COLBERT, LAUDERDALE J. W. (Joe) Goodwin.....	310 Ford Road, Muscle Shoals 35661
4	LAUDERDALE, LIMESTONE James H. Hamilton.....	Route 3, Box 119, Rogersville 35652
5	LIMESTONE Tommy Carter.....	18216 Upper Fort Hampton Road, Elkmont 35620
6	MADISON Tom Butler.....	136 Hartington Drive, Madison 35758
7	LAWRENCE, MORGAN Sam Letson.....	3980 Highway 36, Moulton 35650
8	MORGAN Morris Anderson.....	3219 Vicksburg Drive, S.W., Decatur 35603-3109
9	MORGAN Paul Parker.....	303 North Douglas Street, Hartselle 35640
10	MADISON James C. (Jim) Haney.....	809 Tannahill Drive, Huntsville 35802

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA-Continued**

- 11 CULLMAN, MORGAN
Tom Drake.....P.O. Box 1165, Cullman 35055
- 12 CULLMAN
W. C. (Bill) Bowling.....804 County Road 483, Hanceville 35077
- 13 WALKER
Thomas E. (Tom) Hogan.....300 12th Avenue, N.E., Jasper 35501
- 14 TUSCALOOSA, WALKER
Johnny T. Cagle.....Route 2, Box 105, Nauvoo 35578
- 15 PICKENS, TUSCALOOSA
Allen Layson.....P.O. Box 910, Reform 35481
- 16 FAYETTE, LAMAR, MARION
Sam Collins.....1019 13th Street, N.W., Fayette 35555
- 17 MARION, WINSTON
Michael J. (Mike) Millican.....Route 1, Box 71, Hamilton 35570
- 18 FRANKLIN, MARION
Johnny Mack Morrow.....709 Carter Street, N.E., Red Bay 35582
- 19 MADISON
Vacant
- 20 MADISON
Howard Sanderford.....908 Tannahill Drive, S.E., Huntsville 35802-1971
- 21 MADISON
Dewayne Freeman.....P.O. Box 3069, Huntsville 35810
- 22 JACKSON, MADISON
Albert Hall.....Route 1, P.O. Box 275, Gurley 35748
- 23 JACKSON
Ben T. Richardson.....P.O. Box 1017, Scottsboro 35768

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA-Continued

- 24 DEKALB
Ralph Burke.....P.O. Box 1564, Rainsville 35986
- 25 MARSHALL
Kerry Rich.....1613 Stoddard Drive, S.W., Arab 35016
- 26 DEKALB, MARSHALL
W. F. (Frank) McDaniel.....P.O. Box 577, Albertville 35950
- 27 BLOUNT
Bob Harvey.....Route 5, Box 4998, Oneonta 35121
- 28 ETOWAH
Joe M. Ford.....Gadsden State Community College
P.O. Box 227, Gadsden 35902-0227
- 29 ETOWAH
John G. (Jack) Page.....314 Haralson Avenue, Gadsden 35901
- 30 ETOWAH, ST. CLAIR
Roy E. Smith.....753 Forrest Avenue, Gadsden 35901
- 31 COOSA, ELMORE
Jack B. Venable.....P.O. Box 736, Tallassee 36078
- 32 TALLADEGA
Clarence Haynes.....P.O. Box 1041, Talladega 35160
- 33 TALLADEGA
Ronald G. Johnson.....Route 5, Box 17, Sylacauga 35150
- 34 CALHOUN
Gerald Willis.....15695 Alabama Highway 9, S., Piedmont 36272
- 35 CALHOUN
Bobby C. Crow.....150 Huckleberry Ridge, Anniston 36201
- 36 CALHOUN
James M. Campbell.....P.O. Box 2003, Anniston 36202
- 37 CHAMBERS, RANDOLPH, CLAY
Richard J. Laird.....1507 Bonner Drive, Roanoke 36274

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA-Continued****38 CHAMBERS**

William P. (Bill) Fuller, Jr.....P.O. Box 317, LaFayette 36862

39 CHEROKEE, CLEBURNE, DEKALB

Richard J. Lindsey.....Route 2, Box 394, Centre 35960

40 BIBB, SHELBY

Al Knight.....2969M Montgomery Highway, Pelham 35124

41 SHELBY

Mike Hill.....114 Arlington Street, Columbiana 35051

42 ST. CLAIR

Hugh Holladay.....1711 Cogswell Avenue, Pell City 35125

43 JEFFERSON

Jack Biddle, III.....2256 Pinehurst Drive, Gardendale 35071

44 JEFFERSON

Arthur Payne.....2825 Second Street, N.W., Birmingham 35215

45 JEFFERSON

Albert G. Morton.....833 Zellmark Drive, Birmingham 35235

46 JEFFERSON

Jim Carns.....3 Office Park Circle, Suite 120, Birmingham 35223

47 JEFFERSON

Allen Sanderson.....126 Greenbriar Lane, Birmingham 35213

48 JEFFERSON

John Hawkins.....1841 Montclair Drive, Birmingham 35216

49 JEFFERSON

Tony Petelos.....P.O. Box 40, Pleasant Grove 35127

50 JEFFERSON

Johnny L. Curry.....3264 Fieldale Drive, Hueytown 35023

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA-Continued****51 JEFFERSON**

Frank Rogers.....803 North Main Street, Graysville 35073

52 JEFFERSON

John W. Rogers, Jr.....1424 18th Street, S.W., Birmingham 35211

53 JEFFERSON

Demetrius C. Newton.....P.O. Box 2525, Birmingham 35202

54 JEFFERSON

George Perdue.....P.O. Box 2473, Birmingham 35201

55 JEFFERSON

Mark L. Gaines.....201 Morris Boulevard, Homewood 35209

56 JEFFERSON

Bobbie G. McDowell.....2322 Dartmouth Avenue, Bessemer 35020

57 JEFFERSON

Edward B. (E. B.) McClain.....3826 Troy Terrace, Brighton 35020

58 JEFFERSON

David Barnes.....4245D 1st Avenue, N., Birmingham 35222

59 JEFFERSON

Lewis G. Spratt.....3809 Fourth Street, W., Birmingham 35207

60 JEFFERSON

John R. Hilliard.....P.O. Box 11385, Birmingham 35202

61 TUSCALOOSA

Bryant Melton.....5003 4th Avenue, Tuscaloosa 35405

62 HALE, TUSCALOOSA

Phil Poole.....P.O. Box 609, Moundville 35474-0609

63 TUSCALOOSA

Tim Parker.....P.O. Box 020908, Tuscaloosa 35402-0908

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA-Continued**

- 64 CONECUH, MONROE
James E. (Jimmy) Warren.....P.O. Box 207, Castleberry 36432
- 65 CLARKE, WASHINGTON
Jeff Dolbare.....Star Route, Box 17, Bigbee 36510
- 66 CHOCTAW, CLARKE, MARENGO
Harrell Blakeney.....1101 Old Highway 5, S., Thomasville 36784
- 67 CHOCTAW, GREENE, SUMTER
Lucius Black.....P.O. Box 284, York 36925
- 68 DALLAS, HALE, PERRY
Jenkins Bryant, Jr.....Route 1, Box 482, Newbern 36765
- 69 DALLAS, LOWNDES, WILCOX
James L. Thomas.....2713 Highway 14, E., Selma 36701
- 70 DALLAS
W. F. (Noople) Cosby, Jr.....P.O. Box 683, Selma 36702
- 71 AUTAUGA, CHILTON
Horace W. Powell, Sr.....943 East Main Street, Prattville 36066
- 72 BIBB, CHILTON
Curtis Smith.....16131 Highway 22, Clanton 35045
- 73 MONTGOMERY
Perry O. Hooper, Jr.....3472 Bankhead Avenue, Montgomery 36111
- 74 MONTGOMERY
Bob McKee.....P.O. Box 424, Montgomery 36101
- 75 MONTGOMERY
Claud Walker.....8080 Butler Mill Road, Montgomery 36105
- 76 ELMORE, MONTGOMERY
Mike Mikell.....P.O. Box 993, Millbrook 36054
- 77 MONTGOMERY
John F. Knight, Jr.....P.O. Box 6148, Montgomery 36106
- 78 MONTGOMERY
Alvin Holmes.....P.O. Box 6064, Montgomery 36106

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA-Continued**

- 79 LEE
Pete Turnham.....P.O. Box 3490, Auburn 36831-3490
- 80 LEE
G. J. (Dutch) Higginbotham.....709 Laurel Street, Opelika 36801
- 81 TALLAPOOSA
James T. Cullins.....P.O. Box 5, Alexander City 35010
- 82 BULLOCK, MACON
George H. Clay.....P.O. Box 299, Tuskegee 36083
- 83 RUSSELL
Jane Gullatt.....P.O. Box 626, Phenix City 36867
- 84 BARBOUR, RUSSELL
James S. (Jimmy) Clark.....P.O. Box 71, Eufaula 36072
- 85 HENRY, HOUSTON
John P. Beasley.....P.O. Drawer M, Columbia 36319
- 86 HOUSTON
Joe R. Carothers, Jr.....Route 8, Box 33, Dothan 36301
- 87 GENEVA, HOUSTON
Nathan Mathis.....Route 2, Box 317, Wicksburg (Newton) 36352
- 88 DALE
Nolan Williams.....Route 2, Box 44, Newton 36352
- 89 DALE, PIKE
Steve Flowers.....P.O. Box 973, Troy 36081
- 90 BUTLER, CRENSHAW
Charles O. Newton.....P.O. Box 246, Greenville 36037
- 91 COFFEE
Jimmy W. Holley.....Route 2, Box 254-E, Elba 36323

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA-Continued**

- 92 COVINGTON
Seth Hammett.....P.O. Box 1836, Andalusia 36420
- 93 ESCAMBIA
Frank P. (Skippy) White.....Route 1, Box 427-Pollard, Flomaton 36441
- 94 BALDWIN
Walter E. Penry, Jr.....12040 County Road 54, Daphne 36526
- 95 BALDWIN
Stephen A. (Steve) McMillan.....P.O. Box 337, Bay Minette 36507
- 96 MOBILE
Michael E. Box.....One St. Louis Centre, Suite 4002, Mobile 36602
- 97 MOBILE
Mary S. Zoghby.....2862 Hilburn Drive, Mobile 36606
- 98 MOBILE
William (Bill) Clark.....711 South Atmore Avenue, Prichard 36612
- 99 MOBILE
James E. Buskey.....2207 Barretts Lane, Mobile 36617
- 100 MOBILE
Victor Gaston.....864 Parkwood Drive, W., Mobile 36608
- 101 MOBILE
Ken Kvalheim.....421 Dogwood Drive, Mobile 36609
- 102 MOBILE
J. E. Turner.....P.O. Box 787, Citronelle 36522
- 103 MOBILE
Yvonne Kennedy.....1205 Glennon Avenue, Mobile 36603
- 104 MOBILE
Lois M. Rockhold.....5163 Santos Drive, E., Mobile 36619
- 105 MOBILE
Taylor F. Harper.....P.O. Box 229, Grand Bay 36541

ALABAMA STATE SENATE
ALPHABETICAL ROSTER AND DISTRICT NUMBER

John E. Amari, 15
Chip Bailey, 29
Lowell Ray Barron, 8
Ann Bedsole, 34
George R. Bolling, 6
Ray Campbell, 3
J. Danny Corbett, 28
Ryan deGraffenried, Jr. 21
Bobby E. Denton, 1
Gerald Dial, 13
Larry Dixon, 25
Frank (Butch) Ellis, Jr., 14
Sundra Escott-Russell, 20
Michael A. Figures, 33
Jack Floyd, 10
E. Crum Foshee, 31
Doug Ghee, 12

Don Hale, 4
Odell V. (Dell) Hill, Jr., 11
W. Fred Horn, 18
Charles D. Langford, 26
W. H. (Pat) Lindsey, 22
Albert Lipscomb, 32
T. D. (Ted) Little, 27
"Walking" Wendell Mitchell, 30
Hinton Mitchem, 9
Walter Owens, 24
Mac Parsons, 17
Henry (Hank) Sanders, 23
Bill G. Smith, 7
Jim Smith, 2
Jeffrey T. Underwood, 19
J. T. (Jabo) Waggoner, 16
Robert T. (Bob) Wilson, Jr., 5
Steve Windom, 35

**ROSTER OF THE SENATE OF ALABAMA
FIRST EXTRAORDINARY SESSION 1993**

OFFICERS

JIM FOLSOM, JR., *Lieutenant Governor*, Cullman

RYAN deGRAFFENRIED, JR., *President Pro-Tempore*, Tuscaloosa

McDOWELL LEE, *Secretary*, Montgomery

D. PATRICK HARRIS, *Assistant Secretary*, Montgomery

DAVE AVANT, *Administrative Assistant*, Prattville

SUZAN McCLELLAND, *Chief Clerk*, Prattville

MEMBERS OF THE SENATE

Dist. Nos.	Counties & Names	Addresses
1	COLBERT, LAUDERDALE	
	Bobby E. Denton.....	P.O. Box 987, Tuscumbia 35674
2	LAUDERDALE, LIMESTONE, MADISON	
	Jim Smith.....	108-A South Side Square, Huntsville 35801
3	LAWRENCE, MORGAN	
	Ray Campbell.....	P.O. Box 1988, Decatur 35602-1988
4	CULLMAN, MADISON, MORGAN	
	Don Hale.....	1725 Woodland Street, N.W., Cullman 35055
5	PICKENS, TUSCALOOSA, WALKER	
	Robert T. (Bob) Wilson, Jr.....	P.O. Box 2088, Jasper 35502
6	FAYETTE, FRANKLIN, LAMAR, MARION, WINSTON	
	George R. Bolling.....	P.O. Box 350, Fayette 35555
7	MADISON	
	Bill G. Smith.....	2009 Gallatin Street, S.W., Huntsville 35801
8	DEKALB, JACKSON, MADISON	
	Lowell Ray Barron.....	P.O. Box 65, Fyffe 35971
9	BLOUNT, DEKALB, MARSHALL	
	Hinton Mitchem.....	P.O. Box 297, Albertville 35950

**ROSTER OF THE SENATE
OF ALABAMA-Continued**

- 10 ETOWAH, ST. CLAIR
Jack Floyd.....816 Chestnut Street, Gadsden 35999
- 11 COOSA, ELMORE, TALLADEGA
Odell V. (Dell) Hill, Jr.....706 Selwood Road, Alpine 35014
- 12 CALHOUN
Doug Ghee.....P.O. Box 848, Anniston 36202
- 13 CHAMBERS, CHEROKEE, CLAY, CLEBURNE, DEKALB, RANDOLPH
Gerald Dial.....P.O. Box 248, Lineville 36266
- 14 BIBB, SHELBY, ST. CLAIR
Frank (Butch) Ellis, Jr.....P.O. Box 587, Columbiana 35051
- 15 JEFFERSON
John E. Amari.....1337 Stonecrest Drive, Birmingham 35235
- 16 JEFFERSON
J. T. (Jabo) Waggoner.....Two Perimeter Park South
Suite 224 W., Birmingham 35243
- 17 JEFFERSON
Mac Parsons.....P.O. Box 3336, Hueytown 35023
- 18 JEFFERSON
W. Fred Horn.....333 16th Avenue, S.W., Birmingham 35211
- 19 JEFFERSON
Jeffrey T. (Jeff) Underwood.....3800 Ridgeway Drive, Birmingham 35209
- 20 JEFFERSON
Sundra Escott-Russell.....P.O. Box 8343, Birmingham 35218
- 21 HALE, TUSCALOOSA
Ryan deGraffenried, Jr.....P.O. Box 2263, Tuscaloosa 35403
- 22 CHOCTAW, CLARKE, CONECUH, MARENGO, MONROE, WASHINGTON
W. H. (Pat) Lindsey.....126 South Mulberry Avenue, Butler 36904

**ROSTER OF THE SENATE
OF ALABAMA-Continued**

- 23 CHOCTAW, DALLAS, GREENE, HALE, LOWNDES, PERRY, SUMTER, WILCOX
Henry (Hank) Sanders.....P.O. Box 1305, Selma 36702
- 24 AUTAUGA, BIBB, CHILTON, DALLAS
Walter Owens.....111 Pine Avenue, Centreville 35042
- 25 MONTGOMERY
Larry Dixon.....P.O. Box 946, Montgomery 36101
- 26 ELMORE, MONTGOMERY
Charles D. Langford.....918 E. Grove Street, Montgomery 36104
- 27 LEE, TALLAPOOSA
T. D. (Ted) Little.....P.O. Box 2366, Auburn 36831
- 28 BARBOUR, BULLOCK, MACON, RUSSELL
J. Danny Corbett.....P.O. Box 789, Phenix City 36868-0789
- 29 GENEVA, HENRY, HOUSTON
Chip Bailey.....P.O. Box 6791, Dothan 36302
- 30 BUTLER, CRENSHAW, DALE, PIKE
"Walking" Wendell Mitchell.....P.O. Box 225, Luverne 36049
- 31 COFFEE, COVINGTON, ESCAMBIA
E. Crum Foshee.....Alabama State House, Montgomery 36130-4600
- 32 BALDWIN, MOBILE
Albert Lipscomb.....P.O. Box 209, Magnolia Springs 36555
- 33 MOBILE
Michael A. Figures.....2317 St. Stephens Road, Mobile 36617
- 34 MOBILE
Ann Bedsole.....P.O. Box 16642, Mobile 36616
- 35 MOBILE
Steve Windom.....P.O. Drawer 2025, Mobile 36652

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AGRICULTURAL AFFAIRS (Continued)

Disparagement, crime of defined, civil action to recover damages for disparagement of perishable product or commodity-
H. 55, pages 51, 77, 383, 508, 521, 649, Act No. 93-892
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H. 44, pages 48, 74, 253, 448, 450, 501, 502, 504, 529, 533, 649, Act No. 93-893

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Victims and caregivers, needs of interim committee established to study-

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H. 36, pages 46, 72, 351, 361, 362, 386, 387

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H. 33, pages 45, 72, 367, 368, 369, 379, 538, 539, 543, 552, 649, Act No. 93-902

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Gadsden state community college, center, named-
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S. 25, pages 430, 431, 435, 532, 544, Act No. 93-901

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Civil service merit system, established-
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highway, provided-
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BASSETT, WILLIAM H.

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Commended-
H.J.R. 86, pages 437, 438, 528, 535, 649, Act No. 93-856

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BLAKE, A. J.

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City, time board member assumes office specified-
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Ball bond reform act of 1993, implementation, suspended-
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projects, additional, provided-
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299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 370, 508, 509,
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H.J.R. 26, pages 30, 31, 87, 112, 255, Act No. 93-800

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H.J.R. 92, pages 491, 492, 529, 536, 649, Act No. 93-860

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BUSINESS AND COMMERCE

Basic skills educational program, tax credit provided-

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H.J.R. 85, pages 437, 528, 535, 649, Act No. 93-855

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Supernumerary, surviving spouse benefit, qualification of, provided-

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**Sections 16-8-10 and 16-11-18, relating to boards of education, county and
city, requirement to file written policies with state department, relief
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S. 73, pages 432, 436, 549, 550, 561, Act No. 93-912

Section 16-45-4, relating to marine environmental sciences consortium, board of directors, further provided-

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H. 16, page 41

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S. 78, pages 431, 432, 436, 550, 561, Act No. 93-913

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H. 62, pages 53, 78, 426, 427, 547, 553, 649, Act No. 93-906

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Section 31-5-3, relating to veterans affairs board, order of purple heart, representative of, added-

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Alzheimer's disease, needs of victims and caregivers, interim committee
established to study-

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administer underground and aboveground storage tank trust fund for
fiscal year ending September 30, 1994-

S. 23, pages 429, 430

ORR, JANE

Commended-

H.J.R. 6, pages 12, 88, 112, 255, Act No. 93-792

PATERNITY

Proceedings, defendant may reopen case if he can present scientific
evidence that he is not the father-

H. 26, pages 43, 76, 419

PERRY COUNTY

Tax assessor, compensation, further provided-

S. 31, pages 116, 257, 395, 412, Act No. 93-879

PERSONAL HEALTH MONTH

September designated in senate district 23-

S.J.R. 23, pages 393, 394, 422, Act No. 93-841

PETROLEUM PRODUCTS

Environmental management department, supplemental appropriation to administer underground and aboveground storage tank trust fund for fiscal year ending September 30, 1994-
S. 23, pages 429, 430

POLLARD

McBride Circle and settlement, named-
H.J.R. 68, pages 110, 272, 294, 433, Act No. 93-848

PRATTVILLE

Corporate limits, altered-
H. 89, pages 61, 81, 144, 259, 394, 438

PRAYER

Voluntary, school property, events, certain, authorized-
H. 58, pages 52, 72, 120, 497, 498, 520, 649, Act No. 93-850

PUBLIC SERVICE COMMISSION

Appropriation, supplemental, provided-
H. 35, pages 45, 71, 330, 331, 344, 345, 346, 347, 348, 349, 350, 387, 642, 643

RACING CITY ALL STARS

Commended-
H.J.R. 47, pages 91, 92, 271, 293, 433, Act No. 93-827

RADIATION ADVISORY BOARD

Veterinarian, included-
S. 78, pages 431, 432, 436, 550, 561, Act No. 93-913

RESOLUTION, CONDOLENCE

Allison, Davey, death mourned-
H.J.R. 17, pages 21, 22, 105, 115, 255, Act No. 93-814

Bassett, William H., death mourned-
H.J.R. 55, pages 97, 272, 294, 433, Act No. 93-833
H.R. 64, page 103

Blake, A. J., death mourned-
H.J.R. 79, pages 249, 250, 273, 294, 433, Act No. 93-837

RESOLUTION, CONDOLENCE (Continued)

Bugg, June, death mourned-

H.J.R. 26, pages 30, 31, 87, 112, 255, Act No. 93-800

Bugg, June, memory honored-

H.R. 58, page 99

Carpenter, Charles H., death mourned-

H.J.R. 61, pages 102, 103, 158, 159, 255, Act No. 93-817

H.R. 62, page 103

Freeman, Claude A., death mourned-

H.R. 36, page 67

Hartley, James R., sr., death mourned-

H.R. 65, page 103

Hester, Robert Gerald, death mourned-

S.J.R. 15, pages 124, 174, Act No. 93-823

Hill, William Pleas, death mourned-

H.R. 37, page 67

Hocutt, F. Grafton, death mourned-

H.R. 33, page 66

Hornbuckle, Robert C., death mourned-

H.R. 35, page 67

Kartzke, Richard J., death mourned-

H.J.R. 70, pages 120, 121, 272, 294, 433, Act No. 93-835

Rockhold, John L., death mourned-

H.R. 73, page 199

Sims, Edythe J., death mourned-

H.J.R. 31, pages 36, 37, 88, 113, 255, Act No. 93-803

Tanner, M. G., death mourned-

H.J.R. 23, pages 27, 28, 105, 114, 255, Act No. 93-807

RESOLUTION, CONGRATULATORY

Agee, Tommie, commended-

H.J.R. 16, pages 20, 88, 112, 255, Act No. 93-796

Agribusiness class at Russellville high school; Mayfield, Rex, commended-

H.J.R. 18, pages 22, 23, 89, 112, 255, Act No. 93-798

RESOLUTION, CONGRATULATORY

American legislative exchange council, honored-

H.J.R. 96, pages 495, 496, 530, 536, 649, Act No. 93-863

Bay Minette babe ruth all-stars, commended-

H.J.R. 86, pages 437, 438, 528, 535, 649, Act No. 93-856

Bedsole, T. Massey, commended-

H.J.R. 57, pages 98, 99, 157, 158, 255, Act No. 93-815

H.R. 63, page 103

Brown-Grant family reunion, commended-

H.J.R. 77, pages 248, 273, 294, 433, Act No. 93-836

H.R. 78, page 248

Burritt, Carrie, commended-

H.J.R. 92, pages 491, 492, 529, 536, 649, Act No. 93-860

Burritt, Carrie; Millard, Marcie; Nelson, Naomi; Thomas, Buffy, commended-

H.J.R. 93, pages 492, 493, 529, 536, 649, Act No. 93-861

Central baldwin's belles, commended-

H.J.R. 85, pages 437, 528, 535, 649, Act No. 93-855

Chapman, Kalyn Evel, commended-

H.R. 71, page 125

Chapman, miss Kalyn Evel, commended-

S.J.R. 13, pages 124, 174, Act No. 93-822

Chestnut, mr. and mrs. Oliver P., sr., commended-

H.R. 66, page 103

Clinton, Bill, commended; hr 43, first special session 1993, rescinded-

H.R. 72, page 199

Crumpton, mr. Gerald, commended-

S.J.R. 6, pages 121, 122, 174, Act No. 93-825

deGraffenried, senator Ryan, jr., commended-

S.J.R. 22, pages 392, 393, 421, Act No. 93-840

DeLaine, Mary Ruth Patton, commended-

H.R. 54, page 97

Ebbesen, lieutenant general Samuel E., commended-

S.J.R. 30, pages 547, 561, Act No. 93-865

RESOLUTION, CONGRATULATORY

Ficker, Victor B., commended-

H.J.R. 27, pages 31, 32, 87, 113, 255, Act No. 93-801

Forestry association; Alabama forestry community, commended-

H.J.R. 50, pages 93, 94, 272, 293, 433, Act No. 93-830

Fuchs, Gary W., commended-

H.J.R. 20, pages 24, 105, 113, 255, Act No. 93-805

Fuller, Rebecca, commended-

H.R. 75, page 200

Hammock, Hayley Ann, commended-

H.J.R. 13, pages 18, 104, 114, 255, Act No. 93-812

Harwell, mr. Hoyt, commended-

S.J.R. 19, pages 125, 174, Act No. 93-824

Honeycutt, Julia, commended-

H.J.R. 59, pages 101, 157, 158, 255, Act No. 93-816

H.R. 60, page 101

Johnson, Julie Michelle, commended-

H.J.R. 10, pages 15, 16, 88, 112, 255, Act No. 93-795

Jones, April, commended-

H.R. 74, page 199

Lanford, Bill, commended-

H.J.R. 24, pages 28, 105, 114, 255, Act No. 93-808

H.R. 38, page 67

Lister, Robert Gordon, commended-

H.R. 40, page 67

Mathews, mr. Charles M., commended-

S.J.R. 7, pages 122, 123, 174, Act No. 93-818

McCall, Charley, commended-

H.R. 45, page 90

H.J.R. 46, pages 90, 91, 271, 293, 433, Act No. 93-826

Millard, Marcie, commended-

H.J.R. 91, pages 490, 491, 529, 536, 649, Act No. 93-859

Mitchell, G. A., commended-

H.J.R. 19, pages 23, 87, 112, 255, Act No. 93-799

RESOLUTION, CONGRATULATORY

Moore, Jack F., commended-

H.J.R. 21, pages 24, 25, 105, 113, 255, Act No. 93-806

Muhammad, DyShaun Gabron, commended-

H.J.R. 7, pages 13, 88, 112, 255, Act No. 93-793

Nelson, Naomi, commended-

H.J.R. 90, pages 489, 490, 529, 536, 649, Act No. 93-858

Orr, Jane; Reynolds, Julie, commended-

H.J.R. 6, pages 12, 88, 112, 255, Act No. 93-792

Racing city all stars, commended-

H.J.R. 47, pages 91, 92, 271, 293, 433, Act No. 93-827

Rogers, Frank, commended-

H.J.R. 5, pages 11, 104, 114, 255, Act No. 93-809

Rowe, Dudley C., commended-

H.J.R. 97, pages 496, 497, 530, 536, 649, Act No. 93-864

Russellville high school drama department, commended-

S.J.R. 21, pages 392, 421, Act No. 93-839

Shaw, Stuart Lee, commended-

H.J.R. 11, pages 16, 17, 104, 114, 255, Act No. 93-810

Smith, Jack, commended-

H.J.R. 56, pages 98, 272, 294, 433, Act No. 93-834

Smith, Joe, commended-

H.R. 67, page 104

Southern legislative conference, commended-

H.J.R. 81, pages 289, 290, 390, 409, 433, Act No. 93-838

Strickland, Mitch, commended-

H.R. 39, page 67

Strickland, Paul D., jr., commended-

H.R. 52, page 96

H.J.R. 53, pages 96, 97, 272, 294, 433, Act No. 93-832

Talladega 11-12 girl's softball team, commended-

H.J.R. 49, pages 92, 93, 272, 293, 433, Act No. 93-829

RESOLUTION, CONGRATULATORY

Talladega 13-15 girls' softball team, commended-

H.J.R. 48, pages 92, 271, 293, 433, Act No. 93-828

Thomas, Buffy, commended-

H.J.R. 89, pages 489, 529, 536, 649, Act No. 93-857

Troy state university at Dothan, recognized-

H.J.R. 51, pages 94, 95, 272, 294, 433, Act No. 93-831

University of Alabama-Huntsville, commended-

H.J.R. 8, pages 13, 14, 88, 112, 255, Act No. 93-794

H.R. 34, page 66

Wallace, Myra, commended-

H.J.R. 14, pages 18, 19, 104, 114, 255, Act No. 93-813

Williams, miss Catherine, commended-

S.J.R. 10, pages 123, 174, Act No. 93-820

Williams, mr. James O., commended-

S.J.R. 11, pages 123, 174, Act No. 93-821

Wright, Wilton Sanders, commended-

H.J.R. 12, pages 17, 104, 114, 255, Act No. 93-811

RESOLUTION, DESIGNATION

Anti-violence month, district 23, designated-

S.J.R. 24, pages 394, 422, Act No. 93-842

Charles Barkley day, designated-

S.J.R. 8, pages 122, 123, 174, Act No. 93-819

Gadsden state community college, center, named-

H.J.R. 28, pages 32, 33, 88, 113, 255, Act No. 93-802

George D. Smith bridge, named-

S.J.R. 16, page 124

S.J.R. 27, pages 439, 523, Act No. 93-853

McBride circle and settlement, named; avenue in Pollard, named-

H.J.R. 68, pages 110, 272, 294, 433, Act No. 93-848

Personal health month, district 23, designated-

S.J.R. 23, pages 393, 394, 422, Act No. 93-841

Textile week, designated-

H.J.R. 95, pages 494, 495, 529, 536, 649, Act No. 93-862

RESOLUTION, LEGISLATIVE

Acts and journals, printing of-
S.J.R. 3, pages 65, 66

Alzheimer's disease, needs of victims and caregivers, interim committee
established to study-
H.J.R. 30, pages 34, 36, 105, 114, 255, 636, 637, 641, 648, 650, Act
No. 93-919

Candidates, 1994 elections, report campaign contributions since 1990,
urged to-
H.R. 44, pages 89, 90

Clinton, Bill, commended-
H.R. 43, page 89

Constitution revision study committee, established-
H.J.R. 15, pages 19, 20, 104, 115, 255, Act No. 93-845

Governor, committee appointed to escort to joint session-
H.J.R. 3, pages 6, 7, 87, 112, 255, Act No. 93-797
S.J.R. 2, pages 64, 65

Governor, committee to notify governor of convening-
H.J.R. 2, pages 5, 6, 86, 112, 255, Act No. 93-791
S.J.R. 1, page 64

Governor, conditional educational funds, grades k-12, higher education, act
93-776, urged to release-
S.J.R. 9, pages 122, 174, Act No. 93-866

Governor, gambling, special session, urged not to call-
H.R. 100, pages 526, 527, 528, 531, 551

Governor, veto or return s. 4, urged to-
H.R. 99, pages 510, 511, 512

Higher education institutions, enrollment limits, disapproval expressed-
H.J.R. 9, pages 14, 15, 104, 114, 255

Home builders' licensure board, sunset law, intent expressed-
H.J.R. 29, pages 33, 34

House adjournment-
H.R. 4, pages 6, 67
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H.R. 98, pages 497, 515

RESOLUTION, LEGISLATIVE (Continued)**Legislature, meeting dates-**

H.J.R. 32, pages 66, 88, 113, 255, Act No. 93-804

H.J.R. 84, pages 388, 481, 513, 649, Act No. 93-854

Senate, notified house is in session-

H.R. 1, page 5

Small business environmental advisory panel, established-

H.J.R. 88, pages 487, 488

Social security, increase tax on, sentiment expressed-

H.J.R. 22, pages 25, 26, 27

State employees, cost-of-living bonus, not under merit system, intent expressed-

S.J.R. 28, pages 548, 561

Supreme court, h.b. 27, opinion requested-

H.R. 42, pages 85, 86

Supreme court, municipalities, disposition of property, h.b. 90 conflicting with law, opinion requested-

H.R. 87, pages 485, 486

University of Alabama-Birmingham, purchase of Andres Serrano photograph, disapproval expressed-

H.J.R. 69, pages 110, 111, 115

Welcome centers and rest area buildings, smoking, restricted-

H.J.R. 25, pages 28, 29, 30

RESOLUTION, MISCELLANEOUS**Maher, Thomas C., wished speedy recovery-**

H.J.R. 94, pages 493, 494, 529, 536, 649, Act No. 93-849

RETIREMENT SYSTEMS**Employees' and teachers', cost-of-living adjustment to eligible beneficiaries upon the death of an eligible retiree-**

H. 104, page 109

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Employees', board of control and management, composition of, altered-

H. 105, page 109

Employees', state docks, employees, certain, on I-payroll, credited service, given, state employees and members of, provided-

H. 61, pages 53

REYNOLDS, JULIE

Commended-

H.J.R. 6, pages 12, 88, 112, 255, Act No. 93-792

ROCKHOLD, JOHN L.

Death mourned-

H.R. 73, page 199

ROGERS, FRANK

Commended-

H.J.R. 5, pages 11, 104, 114, 255, Act No. 93-809

ROWE, DUDLEY C.

Commended-

H.J.R. 97, pages 496, 497, 530, 536, 649, Act No. 93-864

RUSSELLVILLE HIGH SCHOOL

Agribusiness class, commended-

H.J.R. 18, pages 22, 23, 89, 112, 255, Act No. 93-798

S.J.R. 21, pages 392, 421, Act No. 93-839

SCHOOLS

Educational institutions, standards and restrictions on investing and managing funds-

H. 8, pages 39, 73, 381, 530, 535, 649, Act No. 93-899

Property, prayer, voluntary, events, certain, authorized-

H. 58, pages 52, 72, 120, 497, 498, 520, 649, Act No. 93-850

SENATE

Notified house is in session-

H.R. 1, page 5

SERRANO, ANDRES

University of Alabama-Birmingham, purchase of, photograph, disapproval expressed-

H.J.R. 69, pages 110, 111, 115

SEVERANCE TAX

Forest products, alternate methods for computing, name of county where timber severed, required to contain name, fines, increased-

H. 21, pages 42, 74, 254, 270, 271, 293, 507, 519, 649, Act No. 93-888

SHAW, STUART LEE

Commended-

H.J.R. 11, pages 16, 17, 104, 114, 255, Act No. 93-810

SIMS, EDYTHE J.

Death mourned-

H.J.R. 31, pages 36, 37, 88, 113, 255, Act No. 93-803

SMALL BUSINESS

Environmental advisory panel, established-

H.J.R. 88, pages 487, 488

SMITH, GEORGE D.

Bridge, Chilton county, named-

S.J.R. 16, page 124

S.J.R. 27, pages 439, 523, Act No. 93-853

SMITH, JACK

Commended-

H.J.R. 56, pages 98, 272, 294, 433, Act No. 93-834

SMITH, JOE

Commended-

H.R. 67, page 104

SMOKING

Welcome centers and rest area buildings, restricted-

H.J.R. 25, pages 28, 29, 30

SOCIAL SECURITY

Increase tax on, sentiment expressed-

H.J.R. 22, pages 25, 26, 27

SOUTHERN LEGISLATIVE CONFERENCE

Co-chair and staff, commended-

H.J.R. 81, pages 289, 290, 390, 409, 433, Act No. 93-838

SPECIAL EDUCATIONAL TRUST FUND

Prohibition regarding transfer of funds by university of south Alabama,
removed-

H. 30, pages 44, 73, 373, 374, 638, 639, 650, Act No. 93-928

SPORTS HALL OF FAME

Employees, participation in state employees' health insurance plan with no cost to state, authorized-
S. 75, pages 441, 517

STATE AGENCIES

Highway department, name changed to department of transportation-
H. 37, pages 46, 77, 252, 428, 480, 515, Act No. 93-843

State docks, employees, certain, on I-payroll, credited service, given, state employees and members of employees' retirement system, provided-
H. 61, pages 53

STATE AUDITOR

Appropriation, supplemental, provided-
H. 35, pages 45, 71, 330, 331, 344, 345, 346, 347, 348, 349, 350, 387, 642, 643

STATE DOCKS

Employees, certain, on I-payroll, credited service, given, state employees and members of employees' retirement system, provided-
H. 61, pages 53

STATE EMPLOYEES

Employees' retirement system, retired members, certain, service credit for time served with a nonparticipating local agency, authorized to purchase-
H. 53, pages 51, 389

Employees' retirement system, temporary full-time employees may purchase service credit, subject to conditions, certain, member must pay total cost of service-
H. 98, page 83

Ethics law, state, substantially altered-
H. 38, page 46
H. 85, page 60
H. 93, pages 63, 70, 200, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246
S. 32, pages 365, 388, 451, 452, 479, 484, 485, 606, 607, 635, 640

State docks, certain, on I-payroll, credited service, given, state employees and members of employees' retirement system, provided-
H. 61, pages 53

STATE EMPLOYEES (Continued)

State employees injury compensation program, established-
H. 103, page 109

STATE FIRE MARSHAL

Explosives, regulation of, appropriation, supplemental, provided-
H. 18, pages 41, 73, 372

STRICKLAND, MITCH

Commended-
H.R. 39, page 67

STRICKLAND, PAUL D., JR.

Commended-
H.R. 52, page 96
H.J.R. 53, pages 96, 97, 272, 294, 433, Act No. 93-832

SUNSET LAW

Home builders' licensure board, intent expressed-
H.J.R. 29, pages 33, 34

SUPERINTENDENT OF EDUCATION, STATE

Boards of education, county and city, relieved from filing written policies
with-
H. 78, page 58
S. 22, pages 431, 436, 548, 549, 561, Act No. 93-911

SUPERNUMERARIES

Circuit clerks and registers, surviving spouse benefit, qualification of,
provided-
H. 31, pages 45, 74, 400, 405
S. 63, pages 430, 436, 556, 600, Act No. 93-915

TALLADEGA 11-12 YEAR OLD GIRLS SOFTBALL

Commended-
H.J.R. 49, pages 92, 93, 272, 293, 433, Act No. 93-829

TALLADEGA 13-15 GIRLS SOFTBALL TEAM

Commended-
H.J.R. 48, pages 92, 271, 293, 433, Act No. 93-828

TANNER, M. G.**Death mourned-**

H.J.R. 23, pages 27, 28, 105, 114, 255, Act No. 93-807

TARRANT CITY**School district, ad valorem tax, increased-**

H. 5, page 38

H. 60, pages 52, 53, 82, 148, 525, 535, 649, Act No. 93-898

TAXATION**Basic skills educational program, credit, provided-**

H. 69, pages 55, 74, 400, 401, 546, 554, 649, Act No. 93-907

S. 14, pages 441, 442, 517

Birmingham civil rights institute, sales, use, ad valorem, income, franchise and license, exemption, provided-

H. 97, page 83

Birmingham summerfest, inc., sales, use, excise and license, exemption, provided-

H. 96, page 83

Contracts, right of a party paying federal manufacturer's, certain, under contract option to time payments to immediately precede other party's requirement to remit to internal revenue service-

H. 1, pages 37, 78, 423

Income, personal and corporate, and financial excise, deductions, contributions, certain provided-

H. 83, pages 59, 71, 309, 328, 378, 379, 506, 507, 522, 581, 599, 601, 606, 649, Act No. 93-852

Insurance premium tax reform act, new rate for medical liability insurance, established-

H. 28, pages 44, 71, 329, 330, 532, 537, 649, Act No. 93-847

L'Arche-Moblie, Inc., exemption, provided-

H. 17, page 41

Privilege and severance, forest products, alternate methods for computing, name of county where timber severed, required to contain name, fines, increased-

H. 21, pages 42, 74, 254, 270, 271, 293, 507, 519, 649, Act No. 93-888

Sales and use, mission of hope, inc., exemption, provided-

H. 20, page 42

TAXATION (Continued)

Sales and use, Mobile arts and sport association, exemption, provided-
H. 29, pages 44, 82, 150

Social security, increase on, sentiment expressed-
H.J.R. 22, pages 25, 26, 27

Underground and aboveground storage tank first withdrawal from bulk fee
on a per gallon basis-
H. 2, pages 37, 73, 374, 376, 505, 520, 649, Act No. 93-891

TEACHERS' RETIREMENT SYSTEM

Cost-of-living adjustment to eligible beneficiaries upon the death of an
eligible retiree-
H. 104, page 109
S. 90, pages 364, 389, 554, 600, Act No. 93-916

TEXTILE WEEK

Designated-
H.J.R. 95, pages 494, 495, 529, 536, 649, Act No. 93-862

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Commended-
H.J.R. 91, pages 490, 491, 529, 536, 649, Act No. 93-859
H.J.R. 93, pages 492, 493, 529, 536, 649, Act No. 93-861

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Possession, illegal, constitutes a misdemeanor-
H. 10, pages 39, 78, 383, 384, 501, 519, 649, Act No. 93-887

TRANSPORTATION DEPARTMENT

Highway department, name changed to-
H. 37, pages 46, 77, 252, 428, 480, 515, Act No. 93-843

TROY STATE UNIVERSITY AT DOTHAN

Recognized-
H.J.R. 51, pages 94, 95, 272, 294, 433, Act No. 93-831

TUSKEGEE

Buildings, removal of, special assessment for, shall constitute a lien on
property-
H. 11, pages 39, 40, 79, 127, 390, 409, 433, Act No. 93-871

U. S. CONGRESS

Social security, increase tax on, sentiment expressed-
H.J.R. 22, pages 25, 26, 27

UNDERGROUND STORAGE TANKS

First withdrawal from bulk fee on a per gallon basis-
H. 2, pages 37, 73, 374, 376, 505, 520, 649, Act No. 93-891

UNIVERSITY OF ALABAMA-BIRMINGHAM

Andres Serrano, photograph, purchase of, disapproval expressed-
H.J.R. 9, pages 14, 15, 104, 114, 255

UNIVERSITY OF ALABAMA-HUNTSVILLE

Commended-
H.J.R. 8, pages 13, 14, 88, 112, 255, Act No. 93-794
H.R. 34, page 66

UNIVERSITY OF SOUTH ALABAMA

Appropriation, provided-
H. 36, pages 46, 72, 351, 361, 362, 386, 387

Special educational trust fund, prohibition regarding transfer of funds by,
removed-
H. 30, pages 44, 73, 373, 374, 638, 639, 650, Act No. 93-928

VESTAVIA HILLS

Special district ad valorem tax for educational purposes in, increase,
authorized-
H. 40, pages 47, 81, 148, 526, 534, 649, Act No. 93-922
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VETERANS

Motor vehicle tags, distinctive, authorized-
H. 80, pages 58, 74, 250, 251, 435, 481, 515, Act No. 93-880

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S. 43, pages 440, 517

VETERANS' AFFAIRS BOARD

Representative of order of purple heart added-
S. 43, pages 440, 517

VETERANS' AFFAIRS DEPARTMENT

Appropriation, supplemental, provided-

H. 81, pages 58, 74, 377, 549, 554, 649, Act No. 93-908

VETERINARIANS

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S. 78, pages 431, 432, 436, 550, 561, Act No. 93-913

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H. 84, page 59

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WALLACE, MYRA

Commended-

H.J.R. 14, pages 18, 19, 104, 114, 255, Act No. 93-813

WASHINGTON COUNTY

Tobacco tax, additional, levied-

H. 13, pages 40, 80, 129, 130, 391, 409, 433, Act No. 93-873

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Hazardous, fees, exemption for government agencies and collection during amnesty periods-

H. 62, pages 53, 78, 426, 427, 547, 553, 649, Act No. 93-906

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Authorities, certain, board membership, increased-

H. 76, pages 57, 78, 155, 250, 432

WATER AUTHORITIES

Certain, board membership, increased-

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WILLIAMS, CATHERINE

Commended-

S.J.R. 10, pages 123, 174, Act No. 93-820

WILLIAMS, JAMES O.

Commended-

S.J.R. 11, pages 123, 174, Act No. 93-821

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